

**THE
BRUCETON
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

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TOWN OF BRUCETON, TENNESSEE

MAYOR

Robert T. Keeton, III

VICE MAYOR

Robert A. Clark

ALDERMEN

Joe Bishop

Stanley Cole

Ernest Thorne

Dan Young

RECORDER

Michael A. Lancaster

PREFACE

The Bruceton Municipal Code contains the codification and revision of the ordinances of the Town of Bruceton, 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 town's ordinance book or the town recorder for a comprehensive and up to date review of the town's ordinances.

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Sandy Selvage, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

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

Section 2.07 Town legislation--when ordinances necessary; required wording; readings required; emergency ordinances . . .

(a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the town, or required to be done by ordinance under this Charter or the general laws of the state, shall be done only by ordinance. Other actions of the Board may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the Board in advance of the meeting at which introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the Town of Bruceton." No action of the Board of Aldermen shall be valid or binding unless approved by the affirmative vote of at least three members of the Board. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended.

Every ordinance, except an emergency ordinance, must be approved on two (2) separate days not less than one (1) week apart, and shall become effective after final approval unless its terms provide a later effective date. An ordinance need not be read aloud prior to adoption. A resolution need not be read aloud prior to adoption and shall become effective when adopted unless its terms provide otherwise.

To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on three readings on separate days and become effective immediately, by the affirmative votes of three members of the Board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only 90 days. Appropriations, revenues, franchises, levy of taxes, or special privileges shall not be passed as emergency ordinance. Borrowing money may be passed as an emergency ordinance but must be paid back the same or following fiscal year...

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

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

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the second Tuesday of each month at the city hall. (1982 Code, § 1-101)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.

¹Charter references

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

Municipal code references

Fire department: title 7.

Wastewater treatment: title 18.

²Charter reference

Board of mayor and aldermen: art. II.

- (7) Old business.
- (8) New business.
- (9) Adjournment. (1982 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 1990 (9th) Edition, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1982 Code, § 1-103, modified)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1982 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen, except that the mayor may designate the town recorder to execute contracts in his stead. (1982 Code, § 1-202, modified)

¹Charter references

Administrative duties of mayor: § 3.02.

Appointment, removal, etc. of employees: § 3.08.

Bond: § 3.11.

Fiscal administration: §§ 4.02, 4.05, 4.06, and 4.09.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep ordinance book.

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

1-304. To charge for copies of official records.

1-305. To be certified.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1982 Code, § 1-301)

1-302. To keep ordinance book. The recorder shall keep the original copy of all ordinances in a separate ordinance book. (1982 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1982 Code, § 1-303)

1-304. To charge for copies of official records. The recorder shall charge a fee of twenty-five cents (.25) per page for copies of official records. (1982 Code, § 1-304)

1-305. To be certified. The Town of Bruceton adopts by reference the requirements of Public Acts 1994, Chapter 648,² which permits municipalities in Tennessee by ordinance to require that its recorder or clerk obtain certification as required by that act. (Ord. #94-11, June 1994, modified)

¹Charter reference

Appointment and duties of recorder: § 3.04.

²Municipal code reference

Public Acts 1994, Chapter 648, is included as an attachment to Ord. #94-11, and is available in the office of the recorder.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

TOWN JUDGE

SECTION

3-101. Town judge.

3-101. Town judge. Town court shall be presided over by the town judge, who shall be an attorney licensed to practice law in the State of Tennessee. The salary of the town judge shall be not less than \$150 per month. (1982 Code, § 1-501, modified)

¹Charter reference
Town court: § 3.06.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The docket required to be kept by § 3.06 of the charter shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1982 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. All fines, penalties and costs shall be imposed and recorded by the town judge on the town court docket in open court. After any fine and costs have been so imposed and recorded, the town judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error. The amount of court costs in all matters coming before the town court shall be seventy-five dollars (\$75.00). (1982 Code, § 1-508, as amended by Ord. #95-07, June 1995, modified)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over to the town. (1982 Code, § 1-511, modified)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1982 Code, § 1-512)

3-205. 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 town court is in session or the town judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, is not in a proper condition or is not able to appear before the court. (1982 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1982 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town 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 town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1982 Code, § 1-504)

3-303. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1982 Code, § 1-505)

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 town 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 town 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. (1982 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, Sundays and legal holidays excepted, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1982 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town 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 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. (1982 Code, § 1-510)

¹State law reference
Tennessee Code Annotated, § 27-5-101.

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

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.
5. SUBSTANCE ABUSE POLICY.

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 to be made.
- 4-106. Exclusions.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Bruceton, Tennessee, to extend at the earliest date, to 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 town shall take such action as may be required by applicable state and federal laws or regulations. (1982 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor of the Town of Bruceton, Tennessee, is hereby 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. (1982 Code, § 1-702)

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. (1982 Code, § 1-703)

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, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1982 Code, § 1-704)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1982 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.

There is also hereby 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 position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

Election workers and election officials shall be excluded from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance if remuneration paid for such services in a calendar year is less than \$1,000 for services performed in a calendar year on or after January 1, 1995, ending on or before December 31, 1999, and, the adjusted amount to be determined under Section 218 (c) (8) (B) of the Social Security Act for any calendar year commencing on or after January 1, 2000, with respect to services performed during any such calendar year, the exclusion to be effective in and after the calendar year, in which the state's modification to the agreement is mailed, or delivered by other means, to the appropriate federal official. (1982 Code, § 1-706, as amended by Ord. #95-02, June 1995)

CHAPTER 2

PERSONNEL REGULATIONS¹

SECTION

- 4-201. Authority and policy statements.
- 4-202. Functions and procedures.
- 4-203. Employee application and processing.
- 4-204. Personnel manning authorizations.
- 4-205. Classification and method of payment.
- 4-206. Work schedules.
- 4-207. Holidays authorized.
- 4-208. Annual leave policy.
- 4-209. Sick leave policy.
- 4-210. Bereavement leave policy.
- 4-211. Military leave policy.
- 4-212. Special leave policy.
- 4-213. Terminal leave policy.
- 4-214. Employee absence for jury duty.
- 4-215. Employee group insurance plan.
- 4-216. Employee workers compensation insurance plan.
- 4-217. Employee retirement plan.
- 4-218. Counseling and evaluation.
- 4-219. Sexual harassment policy.
- 4-220. Suspension and termination.
- 4-221. Council/employee relations committee.
- 4-222. Employee appeal board.

4-201. Authority and policy statements. (1) Authority. These personnel regulations are promulgated pursuant to the authority contained in § 3.09 of the Charter of the Town of Bruceton.

(2) General restrictions on terms of employment. The Town of Bruceton, pursuant to the constitution, laws and judicial decisions of the State of Tennessee, is a "free-will" employer and, while due efforts shall be made to treat each and every employee, either regular full time, part time, probational, temporary or seasonal, on a fair and equitable basis, it reserves unto itself the full and unencumbered right in all cases where no specific written and duly executed contract to the contrary exists between the town and an employee, officer or official, to terminate any one or number of employees of said town

¹Charter references

Employees--appointment, etc.: § 3.08.

Political activity of employees: § 3.12.

where there is "due cause" in individual cases as set forth hereinbelow or other approved policies of the town, or where the need for an employee's services no longer exist, either through elimination or consolidation of job positions, or by reduction-in-force caused by budgetary limitations.

(3) Prohibited conduct or activities by employees or officials. (a) No town officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to the town's business.

(b) No officer or employee shall use or authorize the use of time, facilities, equipment, or supplies of the town for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the town council has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services.

(c) No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

(d) No town officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other town employee or officer to join any labor union which authorizes the use of strikes by government employees.

(e) No full time officer or employee of the town shall accept any outside employment without a written authorization from the mayor. The mayor shall not grant such authorizations if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his town employment, or is likely to cast discredit upon or create embarrassment for the town.

(f) Due to the nature of the town's governing body and the small number of employees, it is not considered to be in the best interest of the town nor its citizens for its employees to actively participate in the election campaigns of candidates for the offices of mayor or councilmember of the town.

(i) Actively is defined as canvassing or soliciting for votes for any such candidate on a public basis; to provide public advertising therefor, or to act as a public speaker at public functions in support thereof, etc.

(ii) This policy is in no way intended to infringe on the rights of any individual employee to privately express his support

or to exercise his prerogatives of voting for any candidate of his choice for these offices; however, due to the close working relationships and conditions of employment that must of necessity exist in a local governmental operation of limited size, such as the Town of Bruceton, friction between employees and officials and interference with normal performance of official duties may reasonably be expected to arise in such cases and should be avoided as much as possible. (Ord. #95-09, Nov. 1995)

4-202. Functions and procedures. (1) Personnel officer. The town recorder, in addition to his other duties, is designated as the personnel officer; however, nothing herein is to increase or diminish the rights or benefits or bestow rights not set forth as to the office of town recorder, as set forth in the Charter of the Town of Bruceton. It shall be the duty of the personnel officer to assure the implementation of all policies and procedures pertaining to the personnel management of all employees of the Town of Bruceton as required by action of the town council or other action of state or federal government which effects the personnel of the town or requires compliance by the town. He is responsible for administering the town's personnel management program and implementation of the employment policies as set forth hereinafter by the mayor and council, under the supervision thereof.

(2) Personnel office. The offices of city hall of the Town of Bruceton, are hereby designated as the "personnel office" of the town, and shall provide such logistical support as necessary to this office.

(3) Personnel management specialist. One (1) staff position in the offices of city hall shall be established and designated as the "Personnel Management Specialist." This individual shall be responsible for the day-to-day administration and maintenance of the town's personnel related activities, to include creation and maintenance of individual personnel files; administering the payroll and related collection of withholding tax, social security, etc. He or she shall also be responsible for the administering of the town's employee group insurance plan, retirement plan, workers compensation/injury/accident reporting activity, and such other personnel or employee related activities as may be required by, and under the supervision of, the personnel officer. (Ord. #95-09, Nov. 1995)

4-203. Employee application and processing. The Town of Bruceton is an "Equal Opportunity Employer" and an "Affirmative Action Employer." All hiring procedures shall be governed by these programs as promulgated by separate regulations of the town. It is and shall be the policy of the Town of Bruceton that all persons seeking employment with and/or employed by said town, shall have equal employment opportunity regardless of race, religion, creed, color, sex, national origin, ethnic derivation, age or non-restrictive handicap, and that all recruitment, hiring and promotion for all job

classifications shall be without regard thereto, and based solely on the basis of valid job requirement and the related qualifications, capabilities and suitability of the employee, but subject to applicant's legal eligibility for employment pursuant to the U.S. Immigration Reform and Control Act of 1986. All applicants must possess a high school diploma or the GED equivalent, or have their GED completed by the end of the probational period. The town does recognize satisfactory prior employment performance, and will give preference to interdepartmental transfers or departmental promotion to qualified employees in filling a vacancy. In keeping therewith the following procedures will be followed:

(1) Applications. The town does not accept applications for non-advertised positions, nor does it maintain a file of applications for prior actions. When a position vacancy occurs the responsible department/activity supervisor shall notify the personnel officer and provide him with the prerequisites of the position. The personnel officer shall prepare the proper advertisement which shall be placed in the town's official newspaper at least one (1) time, and also notify the local job services office. Normally, the cut-off date for accepting applications will be at least 7 days subsequent to the last date of publication in the official newspaper. The personnel office will assist in providing and collecting all applications.

(2) Screening and interview. When all applications have been received and tabulated, they shall be forwarded to the appropriate department/activity supervisor for review, pre-employment screening and interviews. It shall be the responsibility of the departmental interviewer to ascertain the qualifications and suitability of the applicant, and to insure that the applicant is aware of the specific duties and responsibilities of the position being applied for, as well as the compensation therefor, and for the proper completion of the "Interview Report" form. The proper initial screening and interview cannot be over-emphasized if the town is to obtain and retain efficient and conscientious employees. The responsibility for this program rest primarily with the interviewer and the direct supervisors.

(3) Approval of non-supervisory employees. Applicants for non-supervisory positions are recommended by the departmental supervisor to the mayor and board of aldermen and approved by the mayor. At the conclusion of the interview, the interviewer shall complete the appropriate sections of the application/interview form, and inform the applicant that final approval must be made by the mayor after having been recommended to the mayor and board of aldermen. And further, that any initial employment will be on a probationary status for a period of three (3) months with the exception that all employments with the police department will be accompanied by a probationary status for a period of six (6) months.

(4) Approval of supervisory employees. Applicants for the positions of superintendent or administrative heads of all line departments shall be

screened, interviewed and recommended by the mayor and approved by the town council.

(5) In-processing by personnel. No potential employee shall commence work until he or she has been processed by the personnel office, and the required documentation completed.

(6) Probationary status. Each applicant selected for employment by the town must be made fully aware that his or her initial employment shall be probationary in nature for a period of three (3) months only. This shall serve as an observation and evaluation period. At the end of this probation period the appropriate supervisor shall render the prescribed "Evaluation Report." If the employee's performance of duty, attitude, job behavior, etc., are satisfactory, the supervisor may recommend the employee for regular employment status with the prescribed wage/salary adjustment. However, should the employee prove to be unsatisfactory, for whatever reason, he or she should be advised of such and terminated not later than the end of the three (3) months probation period. It is incumbent upon the supervisor to closely observe and monitor the employee's activity during the probationary period, and to provide counseling where appropriate. Should a probationary employee prove to be unsatisfactory, and counseling and guidance prove ineffective, the employee must be terminated prior to the end of the probationary period. The foregoing notwithstanding, the period of probation for any employee of the police department shall be six (6) months.

(7) Preemployment physical examination. Each applicant selected for employment, whether full time, part time or seasonal, shall be required to pass a preemployment physical examination to determine his or her physical ability to perform the required tasks. This pre-employment physical is to be paid for by the Town of Bruceton. (Ord. #95-09, Nov. 1995, as amended by Ord. #99-01, March 1999)

4-204. Personnel manning authorizations. (1) General. Each position of employment within the Town of Bruceton shall be within a designated department, but this does not mean that the employee will work exclusively within this department. They can and will be utilized in other departments when they are needed due to vacations, sickness, or any other time that the personnel officer or department head feels the need for more manpower in a specific department.

(2) Classification of employees. (a) Full-time employees. All employees who are regular, year-around employees who work more than 30 hours in a seven day work week.

(b) Part-time employees. All employees who normally work less than 30 hours or less in a seven day work week, but who work on a regular basis.

(c) Seasonal employees. All employees who work 30 hours or more per seven day work week, but who are employed for a specific period of time during each fiscal year.

(d) Temporary employees. All employees who are hired to perform a specific task, regardless of the hours worked or the period of time. (Ord. #95-09, Nov. 1995)

4-205. Classification and method of payment. (1) Pay grades and steps. (a) All regular full-time departmental heads, including the personnel officer or recorder, the police chief, the water/sewer superintendent, and the street superintendent, shall be employed at a specific monthly salary.

(b) All other employees shall normally be employed at a specific hourly wage.

(2) Salary and wage charts. During the budget preparation process for each fiscal year a "Salary and Wage Chart" shall be prepared which will indicate the salary or wage for each department and individual employee. These charts, as approved by the town council, shall be included in the line item budgets and shall govern the salary and wages for the ensuing fiscal year.

(3) Annual increases in salaries and wages. During the budget preparation process for each fiscal year the town council shall review the estimated revenues; the general increase in the cost-of-living index, and other factors, to determine if a general increase in employee salary and wages is justified and economically feasible.

(4) Individual adjustments. At such time as a department supervisor believes that an employee is due an increase in pay because of an increase in either his duties or responsibilities, or a decrease in pay justified for disciplinary reasons, he or she will cause an "Employee Evaluation Report" to be prepared and submitted with his or her recommendations to the mayor for review and approval.

(5) Promotional adjustments. Any employee who is promoted to a higher grade level shall be placed in the appropriate step of the higher level to insure that the employee is not subject to a loss in net pay due to such change of grade classification.

(6) Pay periods. All employees will normally be paid on a weekly basis. The seven day pay week will end at 12:00 midnight each Saturday. Payroll checks will be issued each Tuesday. Should Tuesday fall on an approved holiday, the payroll check shall be issued the preceding Monday after 2:00 P.M.. The monthly salaries of a salaried employee may be converted to an hourly equivalent for the purposes of computing weekly payroll. (Ord. #95-09, Nov. 1995)

4-206. Work schedules. (1) Hours of work. Each department head shall establish the work hours for his or her particular department or activity

which will most efficiently provide services for the citizens of the town, subject to the review and approval of the mayor. The office of city hall will be open for the transaction of public business from 8:00 A.M. to 4:00 P.M. Mondays through Thursdays, and from 8:00 A.M. to 5:00 P.M. on Fridays, excluding authorized holidays.

(2) Overtime work. The mayor and board of the Town of Bruceton has determined that it shall be the policy of the said town to incorporate into its personnel management procedures and program, the provisions of the "Fair Labor Standards Act" of the U.S. Department of Commerce, as said act pertains to basic minimum wage and payment of overtime except as is inconsistent with this code, such policy is hereby established by this chapter. Departmental/activity supervisors shall insure that all overtime work is held to the absolute minimum consistent with the health, safety, and welfare of the town. The department or activity head will also be responsible for an employee in his or her department to be given compensation time for hours worked over 40 hours if the employee has specific work related duties, for example: water and waste water treatment plants, wells, sewage lift stations, etc. This will be the standard with the following exception: All employees are subject to being on call 24 hours a day. If the employee is called in for an emergency situation, he or she shall be paid for no less than two (2) hours at their normal overtime.

(3) Budgetary limitations. Each department or activity supervisor shall be responsible for insuring that the expenditures for salaries and wages, including overtime, do not exceed the budget appropriations therefor without the prior review by the director of finance and approval by the mayor. (Ord. #95-09, Nov. 1995)

4-207. Holidays authorized. The following are the currently authorized (13) holidays:

New Years Day	Labor Day
Martin Luther King Day	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
	Birthday or Personal Day

(Ord. #95-09, Nov. 1995, modified)

4-208. Annual leave policy. An annual leave program is provided as a privilege but not a right of the town's employees. Abuse of the system may have detrimental effect on the program.

(1) Eligibility to accrue annual leave. It is recognized that the overall efficiency of operation is enhanced through a system of leave periods which are provided to the employee for a regular time of rest and relaxation away from the

work place. At no time will any employee be monetarily compensated in lieu of taking his or her time off. Eligibility of the town's employees for this annual leave program is as follows:

(a) Regular employees: All regular, full-time employees of the town shall be eligible for annual leave which shall be awarded as follows:

Employees with 1-3 years service	5 days
Employees with 4-9 years service	10 days
Employees with 10-16 years service	15 days
Employees with 16+ service receive	20 days

(b) Part-time, seasonal or temporary employees are not authorized annual leave.

(c) Probationary employees are not authorized to accrue annual leave; however, when such employee completes his or her probationary service and is classified as a regular, full-time employee, their annual leave shall be computed retroactively to their initial date of employment.

(2) Accrual of annual leave. For accounting purposes, annual leave is to be based on the town's fiscal year (July 1 through June 30).

(3) Maximum accumulation of annual leave. As stated above, the purpose of providing employees annual leave is to allow them time away from their usual work routines. Leave may not be accumulated from year to year.

(4) Annual leave may be used as terminal leave. Upon termination of employment an employee, who does not otherwise forfeit his or her accrued annual leave benefits, may use all accrued annual leave, to the maximum allowable accrual as terminal leave with pay. Withholding and social security, plus other payroll deductions, shall apply to these payments. Such employee will not accrue additional leave while on terminal leave.

(5) Annual leave may not be advanced. Annual leave cannot be granted in advance of its being earned.

(6) Scheduling of annual leave. Any employee shall request to use his or her accrued annual leave by application to his or her supervisor. The employee shall use at least one half of his/her accrued annual leave during the time period July 1 through December 31 of each year. The employee shall use the balance of his/her accrued annual leave during the time period January 1 through June 30 of each year. Such requests shall be normally approved, subject always to the superior right of the supervisor to plan the work under his contract and to authorized absence only at such time as the employee can best be spared.

***Exceptions to the above will be considered for extenuating circumstances subject to approval from the supervisor and/or the mayor and/or the board of aldermen.

(7) Accounting for annual leave. (a) Each employee shall be provided an individual annual leave account record, on which all annual leave

accrued and taken shall be recorded. This record shall be maintained by the personnel office, and shall be the only official copy. Supervisors may maintain "convenience" records if they wish; however, in all cases the official copy is the primary record. This leave account record shall become a permanent part of the employee's personnel file.

(b) Only scheduled work days shall be charged in calculating the amount of annual leave taken. Thus, Saturdays, Sundays and official holidays will not be counted when they fall within a leave period, unless they are considered a normal work day for a particular employee. In these cases the employee's normal "off days" will not be counted during leave periods. (Ord. #95-09, Nov. 1995, as amended by Ord. #98-04, June 1998)

4-209. Sick leave policy. A sick leave program is provided as privilege but not a right of the town's employees. Abuse of the sick leave system can have a detrimental effect on the program.

(1) Eligibility to accrue annual sick leave.

(a) All regular full-time employees shall be authorized or granted 15 sick days per year.

(b) Part-time, seasonal or temporary employees are not authorized sick leave; however, in exceptional cases they may, on an individual basis, be granted minimal time-off with pay if approved by the mayor.

(c) Probationary employees do not accrue sick leave during their probationary period; however, when such employment becomes regular, full-time employment their annual sick leave shall be computed retroactively to their initial date of employment.

(2) Accrual of annual sick leave. As stated above, each full-time employee will be granted 15 sick days per year.

(3) Maximum accumulation of annual sick leave. There will be a twenty (20) day limit on the number of days of sick leave an employee may accrue. Five days of sick leave may be carried over from one year to the next. Thus, if an employee does not use the full amount of days allotted, the remainder will be added to the next year's total sick days, not in excess of five days carry over, thus giving a total of twenty.

(4) Sick leave may be used as terminal leave. A regular, full-time employee may use a maximum of 20 days of accrued sick leave as terminal leave only upon their approved retirement, either by age or disability. The exchange rate shall be one (1) day of terminal leave for each two (2) days of accrued sick leave, i.e. 20 days of sick leave will equal 10 days of terminal leave.

(5) Annual sick leave may not be advanced. Annual sick leave may not be granted in advance of its being earned.

(6) Use of sick leave. Eligible employees may be granted the use of annual sick leave for the following purposes:

- (a) Personal illness.
- (b) Disability due to accident.
- (c) Exposure to contagious disease.
- (d) Maternity - pre and post natal.
- (e) Medical or dental appointments requiring an absence from work.
- (f) The verifiable illness of one of the following relatives of the employee:
 - (i) Spouse;
 - (ii) Child;
 - (iii) Parents, foster parents or parents-in-law.

(7) Application, approval and accounting for sick leave. To be approved for use of sick leave days, the employee must telephone the personnel office on or before the days requested and before he or she is to report for work. If this criteria is not met, the employee will not be paid for the time missed from work.

(8) Sick leave charged as annual or special leave. In applicable circumstances, where the employee has no accrued sick leave, such absence may be charged to annual leave if available. If neither sick or annual leave is available, such absence may be charged to special leave (leave without pay).

(9) Documentation required for sick leave. Any employee using more than three (3) consecutive days of sick leave will be required to provide a certification of the medical necessity for their absence from a medical doctor or other competent medical professional. In any case where it is evident that an employee is abusing his or her sick leave privilege, such as a consistent pattern of using sick leave on Fridays and/or Mondays, the department supervisor shall have the right and duty to require such employee to provide suitable documented evidence of their illness or injury. Further, in such cases, the mayor shall have the right to suspend and/or revoke their sick leave privileges after having duly counseled the employee of the consequences of his or her abuse of sick leave privileges. A medical doctor's certificate shall be required in all cases of sick leave for pre-natal or post-natal care, setting forth the required period of absence. (Ord. #95-09, Nov. 1995)

4-210. Bereavement leave policy. A regular, full-time employee may be granted up to three (3) days of bereavement leave upon the death of a spouse, child, sibling, parent, foster parent, parent-in-law, or grandparent. This is a non-accruable, non-chargeable leave with pay. (Ord. #95-09, Nov. 1995)

4-211. Military leave policy. Employees of the Town of Bruceton shall be granted military leave for periods of active duty in conformance with Tennessee Code Annotated, § 8-33-101 et. seq., and U. S. Code Title 38, 2021 et seq., and 2024 (2)(g). (Ord. #95-09, Nov. 1995)

4-212. Special leave policy. Special leave is an authorized leave of absence without pay. It may be granted to an eligible employee upon proper application and review and approval of the mayor for a period not to exceed one (1) calendar year.

(1) Eligible employees. All regular full-time employees are eligible to apply for special leave.

(2) Ineligible employees. All probationary, part-time, seasonal or temporary employees are not eligible to apply for special leave.

(3) Limitations. Special leave may only be used after any accrued annual or sick leave for which the employee may otherwise be eligible has been exhausted.

(4) Authorized purposes. Typical purposes for which special leave may be granted are:

(a) Extended illness which cannot be covered by annual or sick leave days.

(b) Inability to perform duty due to service-connected injury or temporary disability and while drawing workers compensation.

(c) Personal education or training.

(d) For rest/recreational purposes in extenuating circumstances.

(e) Maternity, not to exceed a period of twelve weeks.

(5) Accounting for special leave. As special leave is a leave of absence without pay, and authorized only when the employee has no accumulated annual or sick leave, all calendar days are counted in the one (1) calendar year limitation of the special leave. (Ord. #95-09, Nov. 1995)

4-213. Terminal leave policy. (1) Annual leave. Upon separation from employment by the town other than for reasons of gross misconduct, an employee is eligible to utilize his or her accumulated annual leave as a terminal leave up to a maximum of forty-two (42) days - the maximum which could be accumulated as of June 30th.

(2) Sick leave. Accumulated sick leave may be used for terminal leave purposes upon approved retirement, by either age or disability. (Ord. #95-09, Nov. 1995)

4-214. Employee absence for jury duty. It is recognized that all citizens have an obligation to perform jury duty when called and selected. The policy of the Town of Bruceton shall be to encourage its employees to discharge this civic duty whenever possible. All employees of the town who are absent from their work place to attend to bona-fide jury duties may be paid at their normal salary or wage rates for hours they are absent from their work places, unless they elect to use their annual leave days; however, all compensation received by such employee shall be turned over to the town and paid into the general fund of the town unless the employee is on annual leave. (Ord. #95-09, Nov. 1995)

4-215. Employee group insurance plan. The Town of Bruceton currently provides eligible employees a group medical and life insurance plan provided through the retirement plan. These are provided by the town at no cost to the employee.

(1) Eligible employees. All regular full-time employees who work at least thirty (30) hours per work week for the town are eligible.

(2) Ineligible employees. All probationary, part-time, seasonal or temporary employees are ineligible.

(3) Supplemental benefits. If any employee carries a supplemental insurance, the premiums for this supplemental insurance will be paid by the employee through a payroll deduction.

(4) Insurance plan handbook. Each employee upon his initial enrollment into the plan will be furnished a handbook on the town's group insurance plan which provides detailed information. All employees are encouraged to read this handbook carefully. The requirements imposed by the insurance carrier must be adhered to in order for the employee to receive full claim payments. All questions should be referred to the personnel office.

(5) Filing of insurance claims. It is the responsibility of the employee to notify the insurance office of the medical facility where he or she is receiving covered treatment of his or her medical coverage and present the employee identification card at the time of treatment or admission. It is the responsibility of the employee and the medical facility to file for all insurance claims. The personnel office does not file claims for the employees.

(6) Continuance of medical coverage. Under certain circumstances a terminated employee, or a covered divorced spouse, or a covered dependent may continue the employees or dependent coverage beyond the termination date for various periods up to 36 months by signing certain agreement forms and paying the required premiums. Affected employees should inquire at the personnel office not later than 90 days prior to anticipated termination for more detailed information.

(7) Schedule of benefits. Complete details of benefits available under the group plan, including major medical coverage, are contained in the employee medical plan handbook. (Ord. #95-09, Nov. 1995)

4-216. Employee workers compensation insurance plan.

(1) Coverage. All employees, regular, part-time, probational, seasonal or temporary, of the Town of Bruceton, including volunteer firefighters while on active service, are provided coverage for sickness or injury incurred as a result of, or during service for the town, as provided for by the appropriate laws governing workers compensation as established by the State of Tennessee.

(2) Reporting of injuries. All work related injuries should be reported to the personnel office within 24 hours of injury, but in no case later than 30 days, and the proper OSHA report forms completed in detail.

(3) Reporting of sickness. All work related sickness should be reported to the personnel office within 24 hours of the employee becoming aware of the possibility of the sickness being work related, but in no event more than 30 days. If the employee is physically unable to render this report, the next of kin or other responsible person should report the sickness.

(4) Claims. All claims of any nature concerning workers compensation will be filed at the personnel office. A delay in the reporting of the work related injury or sickness could result in a loss of benefits to the employee concerned.

(5) Dual payments. As workers compensation is made available to the employees to preclude a loss of pay while they are unable to work due to a work related injury or illness, it is not intended that the employee receive workers compensation and also his full salary or wages from the town. An employee who is absent from work due to work related injury or illness; is drawing workers compensation, and has accrued annual or sick leave, will be permitted to use such leave for pay purposes at the rate of one day annual or sick leave for every 3 days of absence while on workers compensation. (Ord. #95-09, Nov. 1995)

4-217. Employee retirement plan. The Town of Bruceton provides its eligible employees a purchase money pension plan without cost to the employee. A copy of the retirement plan manual is on file in the personnel office and all employees are encouraged to ask questions concerning their participation.

(1) Eligible employees. All regular full-time employees are eligible to enter into the employee's retirement plan after attaining the age of 24 years, and completion of thirty (30) months of continuous qualifying service.

(2) Withdrawals of entitlements. Due to the complexity of the eligibility, vesting, and procedures, this subject will not be covered in this regulation; however, employees should be referred to the retirement plan manual in the personnel office. (Ord. #95-09, Nov. 1995)

4-218. Counseling and evaluation. (1) Counseling. (a) The most effective means of maintaining high levels of employee efficiency and morale is for the supervisor to be constant in his supervision and observation of the employee's performance of duty and his work habits; to allow an employee to exercise initiative and to apply the principles of counseling constructively, fairly and impartially. Counseling not only means to provide the proper instruction and direction to an employee who is performing marginally or unsatisfactorily, but also to offer words of encouragement and praise for work well done. In those cases where an employee has performed unusually well in a particularly difficult assignment, an appropriate letter of appreciation or commendation may be in order. How well an individual performs in his or her job is directly related to the manner as well as the amount of supervision afforded the employee. Therefore, the burden for assuring the town the best possible employee work force will fall on the supervisor concerned.

(b) The areas with which the supervisor will be most concerned is that of an employee who is not performing his or her job satisfactorily, or who has developed undesirable work habits and/or attitudes. It is again emphasized that such employees must be counseled promptly and adequately. On the first occasion the formal counseling may be verbal and the employee given a specific period of time in which to correct his or her deficiencies. Should the employee refuse to respond, all subsequent counseling shall make use of the "Employee Evaluation Report" or "Employee Warning" forms which are available from the personnel office. These reports will be read and acknowledged by the employee and forwarded to the mayor. As proof of constructive counseling is critical to the termination of an employee for cause, the importance of the proper use of these forms cannot be over-emphasized.

(c) The supervisor must be as alert to counsel an employee for performing unusually well, as he is to counsel critically.

(2) Performance evaluation. The initial employee performance evaluation form shall be completed by the department supervisor at the end of the initial probationary employment period and forwarded to the personnel officer with a recommendation for regular employment, or termination of same, stating the reasons therefor. Thereafter, each employee shall receive a performance evaluation and counseling at the end of each fiscal year. Such evaluations must be made fairly and objectively without personalities becoming involved. "Employee Performance Evaluation Report" forms will be made available from the personnel office.

(3) Performance evaluation increase in salary or wages. If the employee's job performance, behavior and attitude have been above average, the supervisor may recommend the employee for a performance and evaluation increase in salary or wages, in such an amount as approved by the town council in the annual budget documents, subject to review and approved by the mayor.

(4) Letters of appreciation. Letters of appreciation or commendation from whatever source shall be brought to the attention of the mayor and town council and filed in the employee's personnel file. (Ord. #95-09, Nov. 1995)

4-219. Sexual harassment policy. The definition of sexual harassment includes conduct directed by men towards women, conduct directed by men towards men, conduct directed by women towards men, and conduct directed by women towards women. Consequently, this policy applies to all officers and employees of the Town of Bruceton, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulation of the town, and employees working under contract for the town.

(1) Definition. Sexual harassment or unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning; making either

explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate sex-oriented comments on appearance; telling embarrassing sex-oriented stories; displaying sexually explicit or pornographic materials, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees, or on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance is an unlawful employment practice and is absolutely prohibited by the Town of Bruceton.

(2) Making sexual harassment complaints. The town may be held liable for the actions of all employees with regard to sexual harassment and therefore, will not tolerate the sexual harassment of its employees. The city will take immediate, positive steps to stop it when it occurs. By law, the town is responsible for acts of sexual harassment in the work place where the town (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the town took immediate and appropriate corrective action. The town may also be responsible for the acts of non-employees, with respect to the sexual harassment of employees in the work place, where the town (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate action. Prevention is the best tool for the elimination of sexual harassment. Therefore, the following rules shall be strictly enforced. An employee who feels he or she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels most comfortable. Complaints must be made in writing to:

The immediate supervisor or department head,
The personnel officer or town recorder,
The mayor and/or board of aldermen.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of sexual harassment. Regardless of which of the above persons the employee makes a complaint of sexual harassment, the employee should be prepared to provide the following information:

- (a) Official's or employee's name, department, and position title.
- (b) The name of the person or persons committing the sexual harassment, including their title if known.
- (c) The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc. taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.)
- (d) Witnesses to the harassment.
- (e) Whether the employee has previously reported the harassment and, if so, when and to whom.

(3) Reporting and investigating of sexual harassment complaints. The police chief is the person designated by the town to be the investigator of complaints of sexual harassment against employees. In the event the sexual harassment complaint is made against the personnel director, the investigator shall be a municipal employee appointed by the mayor. When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the investigator. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress. Upon conclusion of the investigation, the investigator shall prepare a report of the findings and present them to the mayor. The report shall include the written statement for the person complaining of sexual harassment, the written statement of any witnesses, the written statement of the person against whom the complaint of sexual harassment was made, and all the investigator's notes connected to the investigation.

(4) Action on complaints of sexual harassment. Upon receipt of the report of a complaint of sexual harassment the mayor shall immediately review the report. If the mayor determines that the report is not complete in some respect, he or she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment. Based upon the report and his or her own investigation, where one is made, the mayor shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes sexual harassment. In making that determination, the mayor shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining. The determination of whether sexual harassment occurred will be made on a case by case basis. If the mayor determines that the complaint of harassment is founded, he or she shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his authority under the town charter, ordinances or rules governing his authority to discipline employees. If the mayor feels that disciplinary action stronger than he or she is authorized to impose by the charter, ordinances, resolutions, or rules of governing the employee discipline is warranted, he or she shall make that determination known to the board of aldermen of the Town of Bruceton, together with that report of the investigation. If the governing body determines that the complaint of sexual harassment was founded, it may discipline the employee consistent

with its authority under the charter, ordinances, resolutions, or rules governing employee discipline. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the governing body believes relate to fair and efficient administration of the municipal government, including but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the town. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case by case basis. A written record of all disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint of sexual harassment, witnesses or any other person connected with the investigation of sexual harassment. In cases where the sexual harassment is committed by a non employee against an employee of the town in a work place, the mayor shall take whatever lawful action against the non-employee is necessary to bring the sexual harassment to an immediate end.

(2) Obligation of employee. Employees are not only encouraged to report instances of sexual harassment, they are obligated to report them. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not necessarily limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment. Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails to or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith. (Ord. #95-09, Nov. 1995)

4-220. Suspension and termination. Pursuant to the town's charter, the mayor, after consultation with the board of aldermen, has the authority to make demotions, suspensions, and removal of employees for reasonable cause; however, before removal or suspension, an employee shall be given a written notice, by certified mail, of intention to suspend or terminate him or her, containing a clear statement of the grounds for such proposed actions and notification that he or she may appeal to the town's employee appeal board, consisting of the mayor and board of aldermen, by filing, within ten (10) days, with the town recorder written notice of his or her intention to do so. (The "Employee Warning Report" form as provided by the personnel office may be used for this purpose.)

(1) Suspension. (a) Employees who fail to perform their duties at a satisfactory level, and who have received counseling and a "Employee Warning Report" issued thereto, and who have failed to respond to such

counseling within a reasonable and stated period, shall be subject to suspension without pay for a period not to exceed ten (10) working days on the first offense, or

(b) Employees who are repeatedly late in reporting for work shall, after the proper counseling and warning, be suspended without pay for a period not to exceed ten (10) days on the first offense, or

(c) Employees who are insubordinate or refuse or are reluctant to follow instructions shall, after the proper counseling and warning, be suspended without pay for a period not to exceed ten (10) days on the first offense, or

(d) Employees who, by their actions or inactions, adversely affect the performance of his/her duties, or cause embarrassment to the town or otherwise bring discredit to his/her department and the town may be, after the proper counseling and warning, suspended without pay for a period not to exceed ten (10) days on the first offense.

(e) Employees who have served one (1) period of suspension (for not more than ten [10] days) may be suspended, after proper counseling and warning, without pay for the second time for the same general offense for not more than thirty (30) working days.

(f) Supervisors recommending such suspension shall complete and forward to the mayor for his review and approval the appropriate "Employee Warning Report" along with any other pertinent counseling reports. The "Employee Warning Report" must be completed in detail. The employee is required to sign this form.

(2) Termination. (a) Voluntary. (i) Any employee of the town who desires to terminate his employment with the town shall provide a minimum of two (2) calendar weeks notification of his or her intent to terminate, in writing, through his supervisor to the personnel office. This requirement will allow a period of time to secure a replacement for the employee and to process the paperwork.

(ii) The department supervisor shall be responsible for completion of the "Termination Report" form, which shall be provided by the personnel office. Upon completion and review, this form shall become a permanent part of the employee's personnel file.

(iii) Any employee who terminates his or her employment without the required prior notice may forfeit all rights and claims to accrued benefits or to re-employment by the town.

(iv) Any employee who intends to terminate his employment through retirement shall indicate his intent in writing to the personnel office not later than ninety (90) days prior to the anticipated retirement date to allow time for the administrator of the retirement plan to obtain the necessary forms

and file on behalf of the employee. Employees who fail to do so will risk a delay in the receipt of their retirement benefits.

(b) Involuntary termination - FOR CAUSE. (i) Any employee who, after the appropriate counseling, warnings and/or suspension, fails to perform his or her duties in an acceptable manner, or to correct his or her unacceptable actions or behavior, shall be subject to termination for cause.

(ii) Any employee who is guilty of impropriety or gross misconduct which will reflect unfavorably on the town and thereby renders his or her continued service in the town's employ unacceptable, shall be subject to immediate termination for cause. This shall include but not be limited to the discussion of official municipal business to any unauthorized personnel.

(iii) Action for termination may be initiated by the supervisor, the personnel officer or the mayor, as may be appropriate, who shall be responsible for completion of the "Termination Report" and any required documentation which will be forwarded to the mayor for sharing with the board of aldermen and then approved by the mayor.

(iv) Any employee who is involuntarily terminated for due cause or gross misconduct is subject to forfeiture of all rights to benefits which may have accrued to him or her, including unemployment compensation, but excluding any vested interest in the town pension plan which the employee may have.

(c) Involuntary termination - NOT FOR CAUSE. (i) In those cases where a regular full-time employee who is performing satisfactorily must be released from his employment by the town due to circumstances beyond his control, i.e., elimination of the position, budgetary limitations, reductions-in-force, etc., such employee shall retain his or her full rights to all benefits which may have accrued to him or her, and further, he or she shall be eligible for re-hire without loss of continuous service benefits if an appropriate vacancy occurs within one (1) year of the date of such termination. Such employee will be given preferred consideration before other non-prior service persons applying for such vacancy.

(ii) In these cases, the personnel office will initiate the appropriate "Termination Notice" which shall be forwarded to the department concerned for further action. (Ord. #95-09, Nov. 1995)

4-221. Council/employee relations committee. Immediately upon passage of this amendment, and each subsequent municipal election, the mayor shall appoint, subject to the approval of the majority of the council, a standing council/employee relations committee, which shall be composed of three (3) serving councilmembers, whose appointments shall run concurrently with their

terms of office, and the personnel officer, as a member ex officio. This committee is to meet with department supervisors and/or employees on a regular basis for the purpose of exchange of information and ideas to enhance the efficiency of the town's operations; to deal with any labor relations problems which may arise, and to keep the council informed. (Ord. #95-09, Nov. 1995)

4-222. Employee appeal board. (1) Right of appeal. Any employee who has been informed of a demotion, suspension or termination action against him or her shall have the right to appeal the proposed actions to the Employee Appeal Board of the Town of Bruceton by filing with the recorder within ten (10) days of his or her being formally notified of a proposed suspension or termination, a written statement of his or her intent to do so.

(a) Upon the filing of such an appeal, the recorder shall duly notify the employee appeal board, which shall set a time and place for a public hearing on the matter, to be held within twenty (20) days thereafter. Four votes of the membership of the board shall be required to override the demotion, suspension or termination, and the actions of the board shall be a final determination of the matter.

(b) Subject to the hearing of such appeals, the employee may, if not endangering the public welfare by doing so, remain on their regular job. Should it not be in the best interest of the town for the employee to remain on the work site during the appeal process, he or she may be placed on "administrative leave" with full pay and benefits pending the resolution of the appeal.

(2) Composition of the board. The duly elected and serving mayor and councilmembers of the Town of Bruceton shall function as the "Employee Appeal Board" and shall hear appeals in either regular or called sessions. The findings of the employee appeal board shall be final and are not subject to review by or appeal to any other agency, organization or judicial body. (Ord. #95-09, Nov. 1995)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Title.
- 4-302 Purpose.
- 4-303. Definitions.
- 4-304. Coverage.
- 4-305. Employer's rights and duties.
- 4-306. Employee's rights and duties.
- 4-307. Standards authorized.
- 4-308. Variances from standards authorized.
- 4-309. Imminent danger.
- 4-310. Inspection.
- 4-311. Citation and hearing.
- 4-312. Penalties.
- 4-313. Recordkeeping and reporting.
- 4-314. Administration.
- 4-315. Compliance with other laws, etc.

4-301. Title. This chapter shall be known as "The Occupational Safety and Health Program for the Employees of the Town of Bruceton." (1982 Code, § 1-801)

4-302. Purpose. The Town of Bruceton, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees, with the exception of articles of personal protective equipment which are required by regulation to be purchased by employees, as soon as the town can investigate the availability and the most economical cost of the aforesaid.
- (3) Make, keep, preserve, and make available to the State Commissioner of Labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, including the director of the office of occupational safety and health, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the town has received and reviewed record keeping forms, procedures, and guidelines provided by the state, and thereafter these provisions shall not take effect until after the town has had a reasonable period

of time to set up and provide for the orderly implementation and use of such records and procedures.

(4) Consult with the state commissioner of labor or his designated representative with regard to the adequacy of the form and content of records.

(5) Consult with the state commissioner of labor or the state commissioner of public health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the town and are such that they cannot be achieved under a standard promulgated by the state.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the town has implemented the provisions of subsection (3) hereinabove set forth.

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

(8) 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 as soon as reasonably possible after the provisions of this chapter have been enacted. (1982 Code, § 1-802)

4-303. Definitions. For the purpose of this program:

(1) "Commissioner of labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(2) "Commissioner of public health" means the chief executive officer of the Tennessee Department of Public Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of public health.

(3) "Employer" means the Town of Bruceton, and shall include each administrative department, commission, board, division, or other agency of the town.

(4) "Director of personnel" means the chief executive officer designated by the Town of Bruceton to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's occupational safety and health program.

(5) "Compliance inspector(s)" means the individual(s) appointed and designated by the director of personnel to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, the inspections shall be conducted by the director of personnel.

(6) "Appointing authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for the specific department, commission, board, division, or other agency of the town.

(7) "Employee" means any person performing services for the Town of Bruceton and listed on town payrolls either as part time, seasonal, or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any original group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Public Health which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures; provided, however, that this definition shall not include hazardous operations which are undertaken for the public's safety and well-being.

(11) "Serious physical harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

(a) A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger; loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g. leg shattered so severely that mobility would be permanently reduced), or

(b) A part of an internal bodily system would be inhibited in its normal performance to such a degree as to shorten life or cause reduction in physical or mental efficiency; (e.g., lung impairment, causing shortness of breath).

On the other hand, breaks cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(12) "Establishment" or "workplace" means a single physical location where business is conducted or where service or industrial operations are performed. (1982 Code, § 1-803)

4-304. Coverage. The provisions of this program shall apply to employees of each administrative department, commission, board, division, or other agency of the Town of Bruceton. (1982 Code, § 1-804)

4-305. Employer's rights and duties. Rights and duties of the employer shall include but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees; provided, however, that employer shall have a reasonable period of time to correct any such hazards.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the State Commissioner of Labor and State Commissioner of Public Health, upon reasonable notice from the said commissioners, in the performance of their inspection duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an occupational safety and health standard.

(6) Employer is entitled to protection of his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out as soon as reasonably possible after the provisions of this chapter have been fully implemented.

(8) Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard of corrective action being taken by the town. (1982 Code, § 1-805)

4-306. Employee's rights and duties. Rights and duties of employees shall include but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director of personnel.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after the provisions of this chapter have been fully implemented.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the Director of Personnel of the Town of Bruceton.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, and except when such medical examination is reasonably required for performance of a specified job. (1982 Code, § 1-806)

4-307. Standards authorized. The standards adopted by the Town of Bruceton are the applicable State of Tennessee safety and health standards developed under section 6 of the State Occupational Safety and Health Act of 1972. (1982 Code, § 1-807)

4-308. Variations from standards authorized. The Town of Bruceton may, upon written application to the State Commissioner of Labor or the State Commissioner of Public Health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the town shall be deemed sufficient notice to employees. (1982 Code, § 1-808)

4-309. Imminent danger. (1) Any allegation of imminent danger received shall be handled in accordance with the following procedures:

(a) The director of personnel shall immediately ascertain whether there is a reasonable basis for the complaint.

(b) If the imminent danger complaint appears to have merit, the director of personnel shall cause an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the director of personnel or the compliance inspector shall attempt to have the danger corrected through voluntary compliance. If any employees appear to be in immediate danger, they should be informed of the danger, and the supervisory personnel in charge should be requested to remove them from the area of immediate danger.

(d) The administrative head of the workplace or his authorized representative is responsible for determining the manner in which he will abate the dangerous condition.

(e) The imminent danger shall be deemed abated if the imminence of the danger has been eliminated by removing the employees from the area of danger or the conditions or practices which resulted in the imminent danger have been eliminated.

(f) A written report shall be made to the director of personnel describing in detail the imminent danger and its abatement. (If a compliance inspector is not appointed, this provision should be omitted).

(2) The following procedures shall be followed in the event of a refusal to abate: The director of personnel shall take whatever steps are necessary to comply with the abatement procedures set forth in subsection (1)(e) above. (1982 Code, § 1-809)

4-310. Inspection. (1) In order to carry out the purpose of this program, the director of personnel or, if one is appointed, the compliance inspector is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, work place, or environment where work is performed by an employee of the Town of Bruceton; and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

(2) If an imminent danger situation is alleged or brought to the attention of the director of personnel or a compliance inspector during a routine inspection, he shall immediately inspect the imminent danger situation before inspecting the remaining portions of the workplace.

(3) An administrative representative of the town and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector (director of personnel) during the physical

inspection of any work place for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the operations of the work place or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections shall be accomplished without advance notice, but the director of personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (1982 Code, § 1-810)

4-311. Citation and hearing. (1) If, upon an inspection or investigation, the director of personnel or his compliance inspector(s) should one be appointed, find that any work place is not in compliance with any standard, rule, regulation, or order, and said official is unable to effect a voluntary agreement to bring the work place into compliance, he shall, with reasonable promptness, issue to the administrative officer responsible for the work place a written citation that states the nature and location of the violation; the standard, rule, regulation, or order violated; the abatement and correction requirements; and a period of time during which the work place must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation, anyone affected may advise the director of personnel of objections to the terms and conditions of the citation. Upon receipt of such objections a hearing shall be held, and the director of personnel shall thereafter issue an order affirming, modifying, or vacating the citation, and such order shall be final.

(3) The director of personnel may issue subpoenas pursuant to his duties as set forth herein to require the attendance and testimony of witnesses and the production of evidence under oath at such hearings. (1982 Code, § 1-811)

4-312. Penalties. (1) The Town of Bruceton shall not issue any civil or criminal penalties against any public official, employee, or any other person, administrative department, commission, board, division, or other agency of the Town of Bruceton for failure to comply with the safety and health standards.

(2) Any employee who willfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the mayor. The mayor has the power to administer discipline, and it shall be his duty to take action in one of the following ways:

- | | |
|--------------------|-----------------------|
| (a) Oral reprimand | (b) Written reprimand |
| (c) Suspension | (d) Termination |

(3) The employee being disciplined shall have the right of appeal to the director of personnel within ten days after receiving notice of the disciplinary action; and a hearing shall be held as set forth in subsections (2) and (3) of § 4-311. (1982 Code, § 1-812)

4-313. Recordkeeping and reporting. (1) The Town of Bruceton shall establish and maintain a system for collecting, maintaining, and reporting safety and health data as soon as reasonably possible after implementing § 4-302.

(2) All occupational injuries and illnesses shall be reported to the director of personnel on the OSHA forms provided by the State Department of Labor, except that Workmen's Compensation Form 6A may be used in lieu of the Supplementary Record of Occupational Injury/Illness, Form OSHA No. 101.

(3) The director of personnel shall maintain a continuous log of occupational injuries and illnesses compiled from the reports set forth above and recorded on Form OSHA No. 100.

(4) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(5) After the provisions of this chapter have been enacted, the Town of Bruceton shall report within forty-eight (48) hours, either orally or in writing, to the Commissioner of Labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees.

(6) The Town of Bruceton shall make an annual report, after the provisions of this chapter have been fully implemented, to the Commissioner of Labor showing the statistical data required by section 50-550-106 (Annual Summary) of the State OSHA Regulations for Recordkeeping and Reporting. (1982 Code, § 1-813)

4-314. Administration. For the purpose of this chapter, the city recorder is hereby designated as the director of personnel and is likewise designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's occupational safety and health program.

(1) Upon authorization from the board of mayor and aldermen, the director of personnel may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties, and responsibilities under the program.

(2) The director of personnel, to the extent possible, shall recommend the employment of measures to coordinate the activities of all city departments to promote efficiency and to minimize inconvenience under the program.

(3) The director of personnel may delegate the power to make inspections to the compliance inspector(s), provided that the procedures employed are as effective as those employed by the director.

(4) The director of personnel shall develop a plan, pursuant to the town's occupational safety and health program, and such a plan shall be submitted for approval and adopted by the board of mayor and aldermen. Any subsequent changes or modifications in the plan shall also be submitted to the board of mayor and aldermen for approval and adoption.

(5) The city recorder shall upon adoption of the provisions of this chapter immediately register the town's occupational safety and health program with the State Commissioner of Labor, by sending to the Commissioner of Labor by certified mail a written statement which includes:

(a) A statement that the Town of Bruceton has elected to develop its own program of compliance;

(b) A statement that such program has been developed and has been reduced to writing;

(c) A statement of where such writing may be inspected;

(d) A statement that city employees have been informed of the program and have access to such writing;

(e) An assurance that the town's program incorporates standards developed pursuant to the State Occupational Safety and Health Act;

(f) A description of the methods of inspection provided for herein and an assurance that such program includes provisions for inspection and recordkeeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (1982 Code, § 1-814)

4-315. Compliance with other laws, etc. Compliance with any other law, statute, or ordinance which regulates safety and health in employment and places of employment shall not excuse the Town of Bruceton, any town employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or resolution is specifically repealed. (1982 Code, § 1-815)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

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

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #93-04, Aug. 1993)

4-402. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #93-04, Aug. 1993)

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

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

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

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

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

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

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

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

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

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (Ord. #93-04, Aug. 1993)

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed for actual expenses not to exceed the following rates:

Rooms	\$80.00 per day
Meals	\$35.00 per day
Tips	\$ 6.00 per day
Mileage	\$.32 per mile.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #93-04, Aug. 1993, modified)

4-405. Administrative procedures. The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the town recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #93-04, Aug. 1993)

CHAPTER 5

SUBSTANCE ABUSE POLICY

SECTION

- 4-501. Statement of policy.
- 4-502. General rules.
- 4-503. Purpose of drug testing program.
- 4-504. Drug testing policy.
- 4-505. Right to a hearing.
- 4-506. Confidentiality of test results.
- 4-507. Laboratory testing requirements.
- 4-508. Operators of motor vehicles.

4-501. Statement of policy. Illegal and excessive use of drugs has become an epidemic in our nation. Any abuse and use at the workplace are subjects of immediate concern in our society, and in our community particularly. From a safety perspective, the users of drugs may impair the well being of all employees, the public at large, and result in damage to the town's property. Drug use may also seriously impair an employee's ability to perform his or her job and adversely effect the performance of other employees. Therefore, it is the policy to the Town of Bruceton, Tennessee, that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or intoxicants in the town's workplace is prohibited. Any employee violating this policy will be subject to discipline up to and including termination with prejudice. The specifics of this policy are as follows:

(1) A "workplace" of the Town of Bruceton is defined as any place, site or area wherein or whereon an employee may be performing his or her official duties, be it in a building, premise, vehicle or equipment, whether publicly or privately owned.

(2) The term "controlled substance" means any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, and "Crack." They also include "legal drugs" which are not prescribed by a licensed physician to an alleged violator.

(3) Each employee is required by law to inform the personnel officer within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on town property. A conviction means finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

(4) The Town of Bruceton must then notify the appropriate government agency, if applicable, with which the grant contract was made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.

(5) If an employee is convicted of violating any criminal drug statute while on the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the town may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

(6) As a condition of employment or continued employment by the town, the law requires all employees to abide by this policy. (Ord. #96-07, Nov. 1996)

4-502. General rules. (1) Town employees shall not take, or be under the influence of, any narcotics or dangerous substance unless prescribed by the employee's licensed physician. Employees who are required to take such prescription medicine should notify their immediate supervisors of the medication prescribed and the nature of the illness or injury.

(2) Town employees are prohibited from the use, possession and sale of drugs, alcohol or other intoxicants, or any other controlled substance on town property or in town vehicles.

(3) All property belonging to the town is subject to inspection at any time without notice as there is no expectation of privacy.

(a) Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.

(b) Employees assigned lockers (that are locked by the employee) are also subject to inspection by the employee's supervisor after reasonable advance notice, (unless waived by the chief administrative officer) and in the presence of the employee.

(4) Town employees who have reason to believe another employee is illegally using drugs or narcotics, shall report the facts and circumstances immediately to the supervisor.

(5) Failure to comply with the intent or provisions of this general order may be used as ground for disciplinary action. (Ord. #96-07, Nov. 1996)

4-503. Purpose of drug testing program. The Town of Bruceton recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the Town of Bruceton to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the Town of Bruceton are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Town of Bruceton has adopted this drug and alcohol testing policy. This policy complies with the: Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with

persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the Town of Bruceton that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- (1) Being on duty or performing work in or on town property while under the influence of drugs and/or alcohol;
- (2) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on town property;
- (3) Refusing or failing a drug and/or alcohol test administered under this policy;
- (4) Providing an adulterated, altered, or substituted specimen for testing;
- (5) Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty;
- (6) Use of alcohol within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work. (Ord. #96-07, Nov. 1996)

4-504. Drug testing policy. (1) Drugs to be tested for. When drug and alcohol screening is required under the provisions of this policy, a urinalysis test

will be given to detect the presence of the drug groups listed below. This list is not intended as an exhaustive inventory of every drug for which an employee can be tested. The selection of drugs subject to testing will be based upon known abuse in the community and the ability of each drug to affect job performance.

- (a) Alcohol (Ethyl)
- (b) Amphetamines (e.g. speed)
- (c) Barbiturates (e.g. Amobarbital, Butabarbital, Phenobarital, Secobarbital)
- (d) Cocaine
- (e) Methaqualone (e.g. Quaalude)
- (f) Opiates (e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- (g) Phencyclidine (PCP)
- (h) THC (Marijuana)

(2) Prior notice of testing policy. The town shall provide written notice of its drug and alcohol testing policy to all employees and job applicants. The notice shall contain the following information:

- (a) The need for drug and alcohol testing;
- (b) The circumstances under which testing may be required.
- (c) The procedures for confirming an initial positive drug test result;
- (d) The consequences of a confirmed positive test result;
- (e) The consequences of refusing to undergo a drug and alcohol test;
- (f) The right to explain a positive test result and the appeal procedures available; and
- (g) The availability of drug abuse counseling and referral services.

(3) Consent. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those town officials with a need to know. The consent form shall provide a space for employees and applicants to acknowledge that they have been notified of the town's drug testing policy and to indicate current or recent use of prescription or over-the-counter medication. The consent form shall also set forth the following information:

- (a) The procedure for confirming an initial positive test result;
- (b) The consequences of a confirmed positive test result;
- (c) The right to explain a confirmed positive test result and the appeal procedures available; and
- (d) The consequences of refusing to undergo a drug and alcohol test.

(4) Job applicant testing; general standard. Applicants for all classes of employment with the town will be required to undergo a drug and alcohol test upon the offer of employment and prior to their final appointment.

(5) Current employee testing, general standard. (a) The town may require a current town employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during working hours. "Reasonable suspicion" means an articulate belief based on specific facts, and reasonable inferences drawn from those facts, that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis to determine "reasonable suspicion" may include, but are not limited to:

- (i) A pattern of abnormal or erratic behavior;
- (ii) Information provided by a reliable and credible source;
- (iii) A work-related accident;
- (iv) Direct observation of drug or alcohol use; or
- (v) Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

(b) Supervisors are required to detail in writing, the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded through appropriate department head or designated alternate to the personnel officer.

(6) Refusal to consent, applicant. A job applicant who refuses to consent to drug and alcohol test will be denied employment with the town.

(7) Refusal to consent, employees. An employee who refuses to consent to drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

(8) Confirmation of test results. (a) An employee or job applicant whose drug test yields a positive result shall be given a second test using a gas chromatography/mass spectrometry test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

(b) If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the appropriate department head or designated alternate. The letter of notification shall identify the particular substance found and its concentration level.

(c) An employee or applicant whose second test confirms the original positive test results may, at the employee's or applicant's own

expense, have a third test conducted on the same sample at a laboratory selected by the town.

(9) Consequences of a confirming positive test result, job applicants. Job applicants will be denied employment with the town if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of confirmed positive drug test results.

(10) Consequences of a confirming positive test result, current employees. If a current employee's positive test result has been confirmed, the employee is subject to a disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and existence of past disciplinary actions. No disciplinary action may be taken against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation sanctioned by the town, and thereafter refrain from violating the town's policy on drug and alcohol abuse. (Ord. #96-07, Nov. 1996)

4-505. The right to a hearing. (1) If an employee's positive test results have been confirmed, the employee is entitled to a hearing before any disciplinary action may be taken by the town. The employee must make a written request for a hearing through the appropriate department head or designated alternate to the personnel officer within 15 days of receipt by the employee of the confirmation test results. Employees may be represented by legal counsel, present evidence and witnesses on their behalf, and confront and cross-examine the evidence and witnesses used against them.

(2) No adverse personnel action may be taken against an employee based on a confirmed positive test result unless the hearing officer finds by a preponderance of the evidence that:

(a) The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job; and

(b) The employee's drug test result are accurate.

(3) Appeals shall be conducted pursuant to code § 4-222 and are final. (Ord. #96-07, Nov. 1996)

4-506. Confidentiality of test results. All information from an employee's or applicant's drug and alcohol test is confidential and only those individuals with a need to know are to be informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The result of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. (Ord. #96-07, Nov. 1996)

4-507. Laboratory testing requirements. All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the town. Factors to be considered by the town in selecting a testing facility include:

- (1) Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- (2) Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
- (3) Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
- (4) Retention and storage procedures which ensure reliable results on confirmatory test of original samples. (Ord. #96-07, Nov. 1996)

4-508. Operators of motor vehicles. The town further adopts by reference the policies, procedures and standards promulgated by the national safety alliance in accordance with the United States Department of Transportation Federal Highway Administration Regulations as to those employees who operate or propose to operate motor vehicles as a part of their employment. A current copy of those policies, procedures and standards shall be maintained by the town recorder and available for inspection to the public and employees of the town. Further the town recorder shall make available to each employee or to each new employee at the time of their employment by the town a copy of said policies, procedures and standards. Changes or modifications in those policies will be posted in a conspicuous location in the city hall of the Town of Bruceton. (Ord. #96-07, Nov. 1996)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. APPROPRIATION OF PUBLIC FUNDS FOR NONPROFIT GROUPS, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for town funds.

5-101. Official depository for town funds. The official depository for town funds shall be a bank doing business in Carroll County, Tennessee which shall be designated by the board of mayor and aldermen by resolution. (1982 Code, § 6-101, modified)

¹Charter reference
Fiscal administration: art. IV.

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-201. When due and payable.

5-201. When due and payable.¹ Taxes levied by the town against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied.² (1982 Code, § 6-201)

¹State law references

Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

²Charter references

Delinquent taxes: § 4.16.

Property taxes: § 4.12.

Tax due dates and tax bills: § 4.15.

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at fifty percent (50%) of the rates and in the manner prescribed by the act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (1982 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1982 Code, § 6-302)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1982 Code, § 6-401)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

CHAPTER 5

**APPROPRIATION OF PUBLIC FUNDS FOR
NONPROFIT GROUPS, ETC.****SECTION**

- 5-501. Purpose.
- 5-502. Policy.
- 5-503. Definitions.
- 5-504. Administrative procedures.
- 5-505. Budget requirements.

5-501. Purpose. It is the purpose of this regulation to establish and codify the policy and procedure of the Town of Bruceton, Tennessee, (the "town") for the appropriation and disbursement of certain public funds of the town to:

- (1) Nonprofit charitable services benefitting the general health, safety and welfare of the citizens of the town, and
- (2) Nonprofit civic organizations to assist them in furthering the economic development, social welfare, and common good of the citizens of the town, and
- (3) To governmental entities and/or elements or agencies created hereby to support those programs thereof which will directly benefit the general health, safety and welfare of the citizens of the town. (Ord. #97-05, Sept. 1997)

5-502. Policy. It shall be the policy of the Town of Bruceton to appropriate its public funds only to those nonprofit charitable organizations; nonprofit civic organizations or other governmental entities which provide direct services which specifically benefit the general health, safety and welfare of the citizens of the town; after adequate inquiry has substantiated the validity of the requested funding, and subject to specific, individual, approval by the town council and to the availability of adequate revenues in the general fund to provide the monies therefor. (Ord. #97-05, Sept. 1997)

5-503. Definitions. For the purpose of this regulation, the following definitions shall apply:

- (1) A nonprofit charitable organization is one in which no part of the net earnings inures or may lawfully inure to the benefit of any private shareholder or individual and which provides year-round programs, facilities and/or services directly benefitting the general health, safety and welfare of the citizens of the town.
- (2) A nonprofit civic organization is one which is exempt from taxation pursuant to paragraph (4), subsection (c) of section 501 of the Internal Revenue Code of 1954, as amended, and which operates primarily for the purpose of bringing about civic betterments and social improvements through efforts to

maintain and increase employment opportunities in the municipality by promoting industry, trade, commerce, tourism and recreation by inducing manufacturers, industrial, governmental, educational, financial, service, commercial, recreational and agricultural enterprises to locate in or remain in the town.¹

(3) A governmental entity is a unit of federal, state, local or municipal government, or an agency or activity created thereby pursuant to public law and subject to standard government accounting and auditing practices and procedures, which provides a local program directly benefitting the general health, safety and welfare of the citizens of the town. (Ord. #97-05, Sept. 1997)

5-504. Administrative procedures. (1) The overall administration of this program shall be the responsibility of the city recorder of the town.

(2) Each qualified organization which desires to receive funding of its programs and activities by the town shall file with the city recorder a written request, and at the time and place specified annually by him, for consideration by the town council for inclusion in the next budget year, which will commence on July 1st of each year. As a matter of routine, the city recorder shall provide those organizations that he is aware of with notice about February 15th of each year.

(3) A request for funding to be considered shall contain the following information as a minimum; however, the city recorder may require such additional information or documentation as he may need to substantiate the validity of the requested funding:

(a) A statement of the dollar amount being requested.

(b) The specific purpose or purposes for which the requested funds are to be used, and the time period during which these funds are to be used.

(c) A statement of how the requested funds will specifically benefit the citizens of the Town of Bruceton.

(d) A statement that the requesting organization will permit such inspection or audit of their records by designated officials of the town as may be necessary to ascertain their compliance with all applicable federal, state or local laws and regulations.

(e) A copy of the most recent annual report of the organization's business affairs and transactions, which shall contain a copy of the most recent financial statement, must be filed with the request for funds.

(f) A certification by the appropriate official of the requesting agency that the agency does not, nor will not, discriminate in its plans, programs or activities on the basis of race, color, national origin, creed,

¹State law reference

Tennessee Code Annotated, § 6-54-111(a).

religion, age, sex, handicap or any other basis which has been declared as "discriminatory" by applicable federal or state regulations, or applicable judicial decisions.

(g) Be submitted no later than March 30 and contain a date the funds are desired.

(4) No disbursements shall be made by the city recorder to eligible organizations which are in excess of the budgeted appropriations.

(5) The city recorder shall make available to interested organizations and agencies any necessary information, and provide them assistance in the filing of request for funding.

(6) The council shall review each separate request for funding, judge same on its individual merits, and approve any funding during the annual budget preparation process. (Ord. #97-05, Sept. 1997)

5-505. Budget requirements. All appropriations of the town's public funds for the purposes as authorized hereinabove shall become a part of the general fund budget. Each approved organization or agency shall be identified as a separate item in the general fund line item budget supplement and duly considered at the required public hearing for said budgets.

(1) Subsequent to the passage and approval of the annual budget ordinances, but prior to the disbursement of any public funds for purposes hereinabove stated, the council shall, by separate appropriations resolution duly adopted and approved, identify each separate organization authorized funding, the amount of the funding, the total of the appropriations.

(2) All disbursements of funds authorized under the provision of this chapter will be subject to the availability of cash funds in the general fund account.

(3) In the case of non profit charitable organizations the requirements and time periods for funding may be waived by the mayor and board of aldermen such that donations may be made as the general fund budget allows. (Ord. #97-05, Sept. 1997)

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

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Policy and procedures manual and vehicular pursuit policy adopted.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the mayor, recorder or police chief may officially issue. (1982 Code, § 1-401, modified)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the town court during the trial of cases. Policemen shall also promptly serve any legal process issued by the town court. (1982 Code, § 1-402, modified)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1982 Code, § 1-403)

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

¹Municipal code reference

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

- (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. (1982 Code, § 1-404)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1982 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the town court for immediate trial or allowed to post bond. When the arrested person is drunk or when the town judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1982 Code, § 1-406)

6-107. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1982 Code, § 1-407)

6-108. Policy and procedures manual and vehicular pursuit policy adopted. In order to define and establish policies and procedures for the police department, the Bruceton Police Department Policy and Procedures Manual and Vehicular Pursuit Policy is hereby adopted by reference and made a part of this code as if fully set out herein. Three (3) copies of this manual have been placed on file in the recorder's office where they are available for public use and inspection.

TITLE 7**FIRE PROTECTION AND FIREWORKS****CHAPTER**

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

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

- 7-101. Fire limits described.
7-102. Building restrictions in fire limits.
7-103. Use of explosives.

7-101. Fire limits described. The corporate fire limits shall be all of that area located within the corporate limits of the town. (1982 Code, § 7-101, modified)

7-102. Building restrictions in fire limits. Within the area described as the fire limits, there shall be constructed no business building or structure in which a business is located other than of brick, stone, metal, or other nonflammable material with the exception of the necessary wood work in such type building including floors and ceilings. Nothing in this section shall prohibit the construction of a residence of wood or other flammable material, but such residence before being constructed shall have to be approved by a permit obtained from the board of mayor and aldermen. (1982 Code, § 7-102)

7-103. Use of explosives. It shall be unlawful for any person, firm, or corporation to use dynamite, powder, or any other explosives for any purpose and particularly for the purpose of loosening or removing dirt, trees, buildings, or otherwise. (1982 Code, § 7-103)

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Tenure and compensation of members.
- 7-206. Chief responsible for training and maintenance.
- 7-207. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the mayor, and such number of subordinate officers and firemen as the mayor shall appoint. The mayor may delegate authority to appoint subordinate officers to the fire chief. (1982 Code, § 7-301)

7-202. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1982 Code, § 7-302)

7-203. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (1982 Code, § 7-303)

¹Municipal code reference

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

7-204. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on those matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1982 Code, § 7-304)

7-205. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the mayor. So that adequate discipline may be maintained, the mayor may delegate to the chief the authority to suspend or discharge any other member of the volunteer fire department when the chief deems such action to be necessary for the good of the department. The chief may be suspended or dismissed by the mayor.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1982 Code, § 7-305)

7-206. Chief responsible for training and maintenance. The chief of the volunteer fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1982 Code, § 7-306)

7-207. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the fire chief is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1982 Code, § 7-308)

CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-301. Equipment to be used only within corporate limits generally.

7-301. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on town property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger the town property or unless expressly authorized by the board of mayor and aldermen. Equipment may also be used outside the corporate limits pursuant to a mutual aid agreement.¹ (1982 Code, § 7-307, modified)

¹Municipal code reference

Emergency assistance: title 20, chapter 2.

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Purpose.
- 7-402. Definition of terms.
- 7-403. Permits required for sale.
- 7-404. Business license required.
- 7-405. Permissible items of fireworks.
- 7-406. Conditions for sale and use of permissible articles.
- 7-407. Public displays--permits--regulations.
- 7-408. Retail sales of permissible articles--time limitations--exceptions.
- 7-409. Private use of permissible articles--time limitations--exceptions.
- 7-410. Regulations governing storing, locating or display of fireworks.
- 7-411. Unlawful acts in the sale and handling of fireworks.
- 7-412. Exceptions to application.
- 7-413. Penalty for violation.
- 7-414. Seizure and destruction of fireworks.
- 7-415. Requirements or compliance with state regulations not affected.

7-401. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the Town of Bruceton, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof.

7-402. Definition of terms. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Manufacturer," any person engaged in making, manufacture, or construction of fireworks of any type within the Town of Bruceton or the State of Tennessee.

(2) "Distributor," any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

(3) "Wholesaler," any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail.

(4) "Jobber," any person engaged in the business of making sales of fireworks to bona fide tourist for use outside the State of Tennessee.

(5) "Retailer," any person engaged in the business of making sales of fireworks to consumers.

(6) Singular and plural words used in the singular include the plural and the plural the singular.

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

(8) "Person," includes any corporation, association, copartnership or one (1) or more individuals.

(9) "Permit," a permit is the written authority of the town fire marshal issued under the authority of the Bruceton Municipal Code, title 7, or under the authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-106--68-104-116.

(10) "I.C.C. class C common fireworks," shall mean all articles of fireworks as are now or hereafter classified as "1CC Class C common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosive and other dangerous articles.

(11) The term "special fireworks" shall mean all articles of fireworks that are classified as class B explosives in the regulation of the Interstate Commerce Commission and shall include all articles other than those classified as class C. (1978 Code, § 7-402)

7-403. Permits required for sale. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the Town of Bruceton, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the town fire marshal and also from the state fire marshal, possession of said permit being thereby a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the Town of Bruceton, except as herein provided. This provision applies to non-residents as well as residents of the Town of Bruceton.

(1) Prior to engaging in the sale within the Town of Bruceton, Tennessee, or shipment into the Town of Bruceton, of any fireworks each person must make application on forms secured from the town fire marshal and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture or bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the Town of Bruceton is prohibited, and a violation of this section is unlawful and punishable under the provision of this chapter or the applicable state code.

(3) The decision of the town fire marshal as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18) years. All permits shall be for the calendar year and any fraction thereof and shall expire on December

31st of each year, two (2) days of grace shall be allowed holder of permits, after the expiration thereof. Permits issued to retailers must be displayed near the point of sale and visible for public inspection. No permit provided for herein shall be transferable nor shall a person be permitted to operate under a permit issued to any person.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the town fire marshal is authorized and directed to charge for permits issued as follows: wholesaler \$10.00; retailer \$10.00; display \$10.00.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and address of purchasers. All fees collected for said permits shall be payable directly to the general fund of the town shall constitute general revenue.

7-404. Business license required. The issuance of permits herein required does not replace or relieve any person of state, county or municipal licenses as now or hereafter provided by law. Before the issuance of any town business or privilege license, the town recorder shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the town fire marshal and by the state fire marshal.

7-405. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the Town of Bruceton, or ship into the Town of Bruceton, except as provided in § 7-406, any pyrotechnics, commonly known as "fireworks," other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fireworks only, and shall include those items enumerated in Tennessee Code Annotated, § 68-104-108, or which may be enumerated in said section.

7-406. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in Tennessee Code Annotated, § 68-104-108, shall be sold, offered for sale, or possessed within the town, or used in the Town of Bruceton, except as here provided for public display, unless it shall be properly named to conform to the nomenclature of Tennessee Code Annotated, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "ICC class C common fireworks," such imprinting to be of sufficient size and so positioned as to be readily recognized by law-enforcement authorities, and the general public.

7-407. Public displays--permits--regulation. The public display of fireworks within the corporate limits of the Town of Bruceton shall be governed by the provisions of Tennessee Code Annotated, § 68-104-107. Required permits

for the controlled, public display of fireworks shall be obtained from the state fire marshal and also from the town fire marshal and the town chief of police.

7-408. Retail sale of permissible articles--time limitations--exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be sold at retail to residents of the Town of Bruceton and used within the Town of Bruceton from June 20th through July 5th, and from December 10th through January 2nd of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredth (25/100th) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tube and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks with report and sparklers, the sale and use of which shall be permitted at all times.

7-409. Private use of permissible articles--time limitations--exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored, used and expended within the Town of Bruceton by private citizens for their personal use and enjoyment during the periods June 20th through July 5th, and from December 10th through January 2nd of each year under the following restrictions.

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in any area or location of the town whereby persons or property may be endangered.

(2) Permitted fireworks shall not be ignited, exploded, or otherwise used within six hundred (600) feet of any business or storage area whereat or wherein flammable materials are sold, used or stored.

(3) Permitted fireworks may be ignited, exploded or otherwise used during the hours of 8:00 A.M. through 10:00 P.M., daily during the permitted periods.

(4) Small children, those under the age of ten (10) years, shall be supervised by adults when using permitted fireworks.

(5) If the use of permitted fireworks in a specific area of the town becomes a public nuisance or endangerment to private or public property in the opinion of the town fire marshal or the town chief of police, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat.

7-410. Regulations governing storing, locating or display of fireworks. Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within twenty-five (25)

feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "FIREWORKS -NO SMOKING WITHIN 25 FEET" in letters not less than four (4) inches high.

(1) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers.

(2) No fireworks shall be stored, placed, located, sold or traded within fifty (50) feet of any other building, nor within one hundred (100) feet of a retail gasoline sales outlet (service station, market, or other such facility) or bulk petroleum storage or distribution facility. All measurement shall be from building-to-building, and not from property line-to-property line.

(3) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the town fire marshal and the town chief of police previous to the issuance of any required permits and licenses.

7-411. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years, or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school, or place where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within, or throw the same from a motor vehicle while within; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of persons.

7-412. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of the State of Tennessee or to the peace officers of the town or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the town fire marshal, and the state fire marshal, after approval of the county agricultural agent of Carroll County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and the state.

7-413. Penalty for violation. Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, any individual, firm, partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty dollars (\$20.00), nor more than fifty dollars (\$50.00). Each day that any violation of the provisions of this chapter continues shall be a separate triable offense.

7-414. Seizure and destruction of fireworks. The town fire marshal shall seize as contraband, any fireworks other than "Class C Common Fireworks" as defined in § 7-405 hereof, and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in § 7-407 of this chapter, which are sold displayed, used or possessed in violation of this chapter. The town fire marshal is authorized to destroy any fireworks so seized.

7-415. Requirements or compliance with state regulations not affected. This chapter shall in no wise affect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the Town of Bruceton in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Bruceton.

The enforcement of this regulation shall be the responsibility of the fire marshal of the Town of Bruceton.

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

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable state laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1982 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹

SECTION

- 8-201. Selling, etc., of beer a privilege.
- 8-202. Beer board established.
- 8-203. Appointment and compensation of beer inspectors.
- 8-204. Permit required for engaging in beer business.
- 8-205. Permit issued for consumption of beer on or off the premises.
- 8-206. Written application and application fee required for permits.
- 8-207. Board may investigate charges and revoke permit; waiting period after revocation.
- 8-208. Permit to be posted.
- 8-209. Permits and licenses not transferable.
- 8-210. Distributors may sell only to permit holders.
- 8-211. Sales, etc., to minors prohibited; no person convicted of violating certain laws to be employed.
- 8-212. Buying beer for minors prohibited.
- 8-213. Unlawful for minors to purchase beer.
- 8-214. Business hours for beer establishments.
- 8-215. Sale of beer prohibited from location where sleeping quarter connected
- 8-216. Policemen and firemen may not be employed in beer business.
- 8-217. Outdoor advertising of beer prohibited.
- 8-218. Beer business to be open for inspection.
- 8-219. Applicant to agree to comply with laws.
- 8-220. Applicant to agree to suspension of license.
- 8-221. Location of business regulated by zoning ordinance.
- 8-222. Issuance and term of beer permit.
- 8-223. Separate beer permits and business license for each location.
- 8-224. Power of recorder and board to subpoena, etc.
- 8-225. Sales on on-premises or off-premises permitted.
- 8-226. Penalty.
- 8-227. Civil penalty in lieu of suspension.
- 8-228. Nudity on premises where intoxicating liquors are offered for sale.

8-201. Selling, etc., of beer a privilege. It shall hereafter be lawful and is hereby declared to be a privilege to sell, store for resale, or distribute beer

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).

of alcoholic content of not more than five (5%) percent by weight, or other beverages of like alcoholic content, within the corporate limits of the Town of Bruceton, Tennessee, subject to all the regulations, limitations, and restrictions provided.

There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1st, 2000, and each successive January 1st, to the City Recorder of the Town of Bruceton. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month remaining until the next tax payment date. A partial month shall be considered a full month for purposes of this tax payment.

If a permit holder does not pay the annual privilege tax by January 31st, or within thirty (30) days after written notice of the tax was mailed, whichever is later, then the town must notify the permit holder by certified mail, or by hand-delivery by an official of the town, that the tax payment is past due. If the permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail or hand-delivery, then the permit is void.¹ (Ord. #00-01, Feb. 2000)

8-202. Beer board established. There is hereby created a board, which shall be known and designated as the beer board of Bruceton; hereinafter referred to in this chapter as the "board." Such board shall be composed of all the members of the board of mayor and aldermen.

It shall be the duty of the board to regulate and supervise the issuance of permits to store more than one case, distribute, and sell beer and other beverages of an alcoholic content of not in excess of five (5%) percent by weight to the persons and in the manner provided herein.

It is hereby declared that the sale of beer in the town is a privilege, and such board is hereby empowered, with complete discretion, to issue, revoke, and suspend all licenses to sell beer in the town, and to perform such other duties and to have such other powers and authority as provided in this chapter. (Ord. #00-01, Feb. 2000)

8-203. Appointment and compensation of beer inspectors. The beer board, acting for the town, may fix the compensation of inspectors for the purpose of enforcing this chapter and other laws, ordinances, and rules regulating the distribution, possession, storage, and sale of beer, or other

¹State law reference

Tennessee Code Annotated, § 57-5-103(b).

beverages of like alcoholic content at wholesale or retail. Such inspector, if appointed, shall hold office by and in the discretion of the board. Members of the police department are fully authorized to enforce all provisions of this chapter at the option of the board in lieu of inspectors as hereinabove provided. (Ord. #00-01, Feb. 2000)

8-204. Permit required for engaging in beer business. No person shall engage in the selling, storing for resale, possessing more than one (1) case, or distributing beer of alcoholic content of not more than five (5%) percent by weight or other beverages of like alcoholic content within the corporate limits of the Town of Bruceton, Tennessee, until he shall receive a permit to do so from the beer board of the Town of Bruceton, Tennessee, which permit shall at all times be subject to all of the limitations and restrictions herein provided.

(1) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndicate, or association and cannot be transferred to another owner. (Tennessee Code Annotated, § 57-5-103(a)(3)(A))

(2) A permit is only for a single location and is valid for all decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located. (Tennessee Code Annotated, § 57-5-103(a)(3)(B))

(3) Where an owner operates two or more restaurants or other businesses within the same building, the owner may, in his or her discretion, operate some or all of such businesses under the same permit. (Tennessee Code Annotated, § 57-5-103(a)(4))

(4) A permit is valid only for the business of the owner named in the permit. (Tennessee Code Annotated, § 57-5-103(a)(3)(C))

(5) A permit holder must return a permit to the city recorder within fifteen (15) days of termination of the business, change of ownership, relocation of the business or a change in the business name, provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name. A change in ownership occurs for a corporate owner when at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. (Tennessee Code Annotated, § 57-5-103(a)(6))

(6) Before the beer board shall issue a license or permit under this chapter, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such license or permit, whether the application is for the sale of beer or like alcoholic beverages is for on or off-premise consumption, or both, and the date and time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting, and such meeting shall be a public hearing for the purpose of hearing the statement

of any person or his attorney on any application for a license or permit. (Tennessee Code Annotated, § 57-5-105(e)) (Ord. #00-01, Feb. 2000)

8-205. Permit issued for consumption of beer on or off the premises. Permits issued for retail sale of beverages coming within the provisions of this chapter shall be for on-premise consumption or for off-premise consumption, or for both. (Ord. #00-01, Feb. 2000)

8-206. Written application and application fee required for permits. Before any permit is issued by the beer board, the applicant or applicants, therefor shall file with the beer board a sworn application in writing on the form proscribed by said board and provided by the department of finance and administration. The application shall be submitted to the city recorder, as the recording secretary to the board. Each application so submitted shall be accompanied by a non-refundable application fee in the amount of two hundred fifty dollars (\$250.00), payable to the General Fund, Town of Bruceton, which shall be used to offset the expense of investigation and processing of the application.

Upon receipt of a properly executed application for a beer permit, the beer board shall be called into session within thirty (30) days of the date of receipt of same. The called session shall be publicly advertised at least one (1) time in a local newspaper of general circulation. The public notice shall also contain a statement that a public hearing shall also be held in conjunction with the consideration of the application by the board. At least five (5) days shall lapse between the publication of the notice of a called session and the meeting thereof.

Normally, the beer board will be called into special session following the regular meetings of the Mayor and Board of Aldermen of the Town of Bruceton which meets at 7:00 P.M., on the 2nd Tuesday of each month in the council room of the Bruceton City Hall. This does not preclude the beer board being called into session at other times, dates and/or places.

The application, which shall be in the form of a sworn statement, shall contain the following information:

- (1) The name and address of the applicant.
- (2) A statement that the applicant is a citizen of the United States.
- (3) The location of the premises at which the business shall be conducted.
- (4) The owner or owners of such premises.
- (5) That no person will be employed in the sale, storage for resale, or distribution of such beverages except those who are citizens of the United States.
- (6) That the applicant shall not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

(7) That no sale of such beverages will be made except in accordance with the permit granted.

(8) That the applicant will not knowingly sell, give away, or allow to be sold or given away on such premises legalized beer or other beverages of like alcoholic content on Sunday, or to minors at any time, or allow a minor to drink legalized beer or other beverages of alcoholic content on such premises.

(9) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale of such beverage has ever been convicted of any violation of the law against prohibition, sale, manufacture, or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(10) That the applicant has not had a license for the sale of legalized beer or other beverages of like alcoholic content revoked.

(11) Whether the person applying will conduct the business in person, or whether he is acting as agent for any other person.

(12) That no brewer of beer or any other beverages of like alcoholic content has any interest, financial or otherwise, in the business which is licensed or requested to be licensed.

(13) That the applicant will not thereafter convey or grant to any brewer of beer or any other beverage of like alcoholic content any interest in either the business which is licensed to be carried on or in any other property at which such business may thereafter be carried on.

(14) That the applicant has, at the time of making such application, no indebtedness or other financial obligation to any brewer of beer or other beverage of like alcoholic content, and will not, during the period such license shall be in force, contract any financial obligation to any brewer of beer or other beverage of like alcoholic content other than for the purchase of such beer or other beverage of like alcoholic content.

This application shall be verified by the affidavit of the applicant, made before a notary public or the recorder, and if any false statement is made in any part of such application, the permit or license granted or issued to the applicant shall be revoked by the beer board. (Ord. #00-01, Feb. 2000)

8-207. Board may investigate charges and revoke permit; waiting period after revocation. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

The board created by this chapter is vested with full and complete power to investigate charges against any permit holder and order him to appear and show cause why his permit should not be suspended or revoked for the violation of the provisions of this chapter or the provisions of the state beer act.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board.

When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon permittee either by registered mail or by a member of the police department of the Town of Bruceton. The notice shall be served upon the permittee at least ten (10) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject only to review by the court as provided by law. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. (Ord. #00-01, Feb. 2000)

8-208. Permit to be posted. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (Ord. #00-01, Feb. 2000)

8-209. Permits and licenses not transferable. Permits and licenses issued under the provisions of this chapter are not transferable either as to location or to successor by purchase or otherwise of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein. (Ord. #00-01, Feb. 2000)

8-210. Distributors may sell only to permit holders. No manufacturer or distributor of beer or other beverages of like alcoholic content shall sell to anyone except a licensed dealer holding a currently valid permit issued by the board. (Ord. #00-01, Feb. 2000)

8-211. Sales, etc., to minors prohibited; no person convicted of violating certain laws to be employed. No person engaging in the business regulated under this chapter shall make or permit to be made any sales or gifts to minors. Neither the person engaging in such business nor any person employed by him shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, and transportation of intoxicating liquor, or any crime involving moral turpitude within the last ten (10) years. (Ord. #00-01, Feb. 2000, modified)

8-212. Buying beer for minors prohibited. It is hereby declared to be a misdemeanor, punishable as any other misdemeanor, for any adult person

to buy or procure beer or other alcoholic beverage for or on behalf of any minor, and to deliver the same to said minor or any other minor. (Ord. #00-01, Feb. 2000)

8-213. Unlawful for minors to purchase beer. It shall be unlawful and a misdemeanor for any person under twenty-one (21) years of age knowingly to misrepresent his age in order to obtain or purchase beer or remain in a location where minors are not allowed. (Ord. #00-01, Feb. 2000, modified)

8-214. Business hours for beer establishments. Retail sales will be limited to the hours of 6:00 A.M. until 11:55 P.M. Mondays through Saturdays, with no sales taking place from 11:55 P.M. Saturday until 6:00 A.M. Monday. (Ord. #00-01, Feb. 2000)

8-215. Sale of beer prohibited from location where sleeping quarter connected. Except as hereinafter provided, no beer or other beverages of like alcoholic content shall be sold on premises in direct connection with which sleeping quarters are provided. Within the meaning of this section, sleeping quarters shall be considered as being in direct connection with the premises upon which the sale is made when the sleeping quarters are in the same room, or when any interior passageway, door, hall, stairway, or other interior connection or a combination thereof is available and is used in going to or from the place where such sale is made to such sleeping quarters. (Ord. #00-01, Feb. 2000)

8-216. Policemen and firemen may not be employed in beer business. It is hereby declared to be unlawful for any members of the police or fire departments of the Town of Bruceton, or any other town employee, without a special permit from the board, to work at any place where beer is sold or dispensed under this chapter, or for any such town employee to have any interest, direct or indirect, in such business. (Ord. #00-01, Feb. 2000)

8-217. Outdoor advertising of beer prohibited. It shall be unlawful for any person, firm, or corporation to place or maintain any outdoor advertisement of beer or any other alcoholic beverages upon any sign, billboard, post, building, or other place within the corporate limits of the Town of Bruceton. (Ord. #00-01, Feb. 2000)

8-218. Beer business to be open for inspection. The place of business and premises of the holder of any license for the distribution or sale of beverages regulated in this chapter shall be open to inspection and investigation by inspectors or police officers designated under § 8-203 hereof at any time such place is open for business, and any refusal by the holder of such license, or by his agents, servants, or employees to permit any such officer to enter upon,

inspect, and investigate any house, building, or room wherein business authorized for any permit issued by the board created in § 8-202 is conducted, within the hours that such house, building, or room is open for business shall be unlawful and a misdemeanor.

The conviction of such holder, or of any agent, servant, or employee of such holder of a violation of the provisions of this section shall also be a sufficient cause for the revocation of the permit and license of such holder. (Ord. #00-01, Feb. 2000)

8-219. Applicant to agree to comply with laws. Every applicant for a beer permit and license must agree in his application to comply with all laws of the State of Tennessee, the United States, and all ordinances of the Town of Bruceton regulating and handling of beer. (Ord. #00-01, Feb. 2000)

8-220. Applicant to agree to suspension of license. All applications for a beer permit and license shall contain an agreement that the beer board may revoke or suspend the permit and license issued under the provisions of this chapter, and shall also contain the information required in § 8-206. (Ord. #00-01, Feb. 2000)

8-221. Location of business regulated by zoning ordinance. No beer permit or license shall be issued for the conduct of business at any point or place in the corporate limits of the Town of Bruceton unless such place is zoned for, or authorized to be used for, commercial or other purposes corresponding to the character of the business contemplated herein. (Ord. #00-01, Feb. 2000)

8-222. Issuance and term of beer permit. Applications for beer permits shall be approved or disapproved by the beer board created in § 8-202 hereinabove, and, if approved, the city recorder shall issue a "beer permit" on the form as approved by the beer board and provided by the department of finance and administration. Said permits shall be issued for an indefinite period of time, subject only to suspension, revocation or cancellation by the beer board as herein provided.

Within ten (10) days after being issued a permit to sell beverages as regulated by this chapter, the permit holder shall file with the city recorder, and with the source from whom he or she buys beer, a copy of a valid certificate indicating that the purchases of beer are "for resale" (State Sales Tax Registration Certificate), and shall maintain at all times a copy of a valid certificate with the town recorder. (Ord. #00-01, Feb. 2000)

8-223. Separate beer permits and business license for each location. A separate beer permit and a town business license shall be obtained for each location at which any applicant is to distribute or sell legalized beer or other beverage of like alcoholic content; however, in those instances where the

applicant has already obtained a current and valid business license from the city recorder for the location at which such beverages are to be sold, such as a market, a second business license for the sale or distribution of subject beverages shall not be required so long as said sales are in conjunction with the normal business activity licensed thereat. (Ord. #00-01, Feb. 2000)

8-224. Power of recorder and board to subpoena, etc. The recorder and the beer board are hereby authorized to subpoena persons and records, and to administer oaths and hear testimony in the enforcement of this chapter. (Ord. #00-01, Feb. 2000)

8-225. Sales on-premises or off-premises permitted.

(1) On-premises sales. Those individuals, groups, firms, etc., granted permits for the sale of beer and like alcoholic beverages as hereby regulated for on-premise consumption are hereby permitted to sell non-chilled or chilled (refrigerated, iced, or otherwise cooled) beer or like alcoholic beverages for on-premises consumption.

(2) Off-premises sales. Those individuals, groups, firms, etc., granted permits for the sale of beer and like alcoholic beverages as hereby regulated for off-premise consumption shall limit their sales of such beverages to containers of such beverages which are sealed, capped, or otherwise closed in a manner in which they are produced by the brewer or manufacturer, and which are to be removed from the premises prior to consumption. Nothing in this section shall be construed to prohibit the sale of chilled (refrigerated, iced, or otherwise cooled) beer or like alcoholic beverages for off-premises consumption.

(3) No permit shall be issued for the sale of beer or beverages of like alcoholic content for either on-premise or off-premise consumption as are herein regulated if:

(a) Said situs of such sales for ON-PREMISE CONSUMPTION is located with TWO THOUSAND (2,000) FEET of a school, church, or other public gathering place as measured in a straight line from the nearest point on the school, church, or other public assembly building and the nearest public entry to the building, or portion of a multi-use building, wherein such sales shall take place, or, in the case of a public playground (including school playgrounds) or public park, from the nearest public entry to the building, or portion of a multi-user building, wherein such sales shall take place to the nearest point on the property line of such public playground or public park.

(b) Said situs of such sales for OFF-PREMISE CONSUMPTION is located within TWO HUNDRED (200) FEET of any school (public or private), church or other public gathering place as measured in a straight line from the nearest point of the school, church or other public assembly building and the nearest public entry to the building, or portion of a multi-use building, wherein such sales shall take place or, in the case of

a public playground (including school playgrounds) or public park, from the nearest public entry to the building, or portion of a multi-user building, wherein such sales shall take place to the nearest point on the property line of such public playground or public park.

(c) Exceptions. Holders of current permits issued by the Bruceton Beer Board are exempt from the requirements of this amended section.

(d) The town shall not suspend, revoke or deny a permit to a business engaged in selling, distributing or manufacturing beer on the basis of the proximity of the business to a school, church, or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1st, 1993; however, this section shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six-month period after January 1st, 1993. (Tennessee Code Annotated, § 57-5-108)

(4) No permit shall be granted to any place of business to sell such beverages as are herein regulated when such sales will cause congestion of traffic, or interfere with schools, churches, or other places of public gathering, or will otherwise interfere with public health, safety, and morals.

(5) No permit shall be granted to any place of business to sell such beverages as are herein regulated when such sale is within one hundred feet (100) of a residential dwelling, measured as in 3(a) and (b), provided the owner of the residential dwelling appears in person before the beer board and objects to the issuance of such a permit.

(6) Persons holding permits for on-premise or off-premise consumption at the time the provisions of this chapter were adopted are exempt from the provisions of § 8-225, sub-paragraphs (3), (4), and (5).

(7) Notwithstanding any other provisions of this chapter, any permit issued pursuant to the authority contained therein may be revoked if the business location causes traffic congestion or interferes with schools, churches or other places of public gathering, or otherwise interferes with public health, safety and welfare. (Ord. #00-01, Feb. 2000, as amended by Ord. #00-05, June 2000)

8-226. Penalty. In addition to other penalties provided in this chapter, any person violating its provisions shall be guilty of a misdemeanor, and may be tried in municipal court and cited to the beer board and may have his permit suspended or revoked. Upon conviction of a misdemeanor any violator shall be subject to a fine as provided for in the general penalty clause for this code. (Ord. #00-01, Feb. 2000)

8-227. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer, a permit holder the alternative of paying a civil penalty not to exceed \$1,500.00 for each offense of

making or permitting to be made any sales to minors, or a civil penalty of not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #00-01, Feb. 2000)

8-228. Nudity on premises where intoxicating liquors are offered for sale. (1) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment where intoxicating liquors, as defined in chapter 1 of this title, are offered for sale or consumed on the premises:

(a) To suffer or permit any female person, while on the premises of said commercial establishment, to expose to the public view that area of the human breast at or below the areola thereof.

(b) To permit any female person, while on the premises of said commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (1)(a).

(c) To suffer or permit any person, while on the premises of said commercial establishment to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, or to show the covered male genitals in a discernibly turgid state.

(d) To suffer or permit any person, while on the premises of said commercial establishment, to employ any device of covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft or cleavage.

(2) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the Town of Bruceton, at which intoxicating liquors are offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

(3) It shall be unlawful for any person, while on the premises of a commercial establishment located within the Town of Bruceton, at which intoxicating liquors are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage, or to show the covered male genitals in a discernibly turgid state.

(4) To allow any entertainment on licensed premises by any owner, licensee, agent of licensee, guest of licensee, employee, independent contractor of licensee, patron, or guest, which shall contain the performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law included

but not limited to table dancing, lap dancing, couch dancing, or including the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals, or the actual or simulated displaying of the pubic hair, anus, vulva, or genitals; or the nipples of a female.

(5) For the purpose of this chapter showing the human male or female genitals, pubic area, buttock with less than a fully opaque covering or showing the female breast with less than a fully opaque covering of any part of the nipple shall constitute exposing same.

(6) Any person who shall violate any provision of this section shall be guilty of an offense against the Town of Bruceton punishable as set forth in §§ 8-226 and 8-227 of the Town of Bruceton Municipal Code.

(7) If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the Town of Bruceton at which intoxicating liquors are offered for sale for consumption on the premises shall be convicted of any of the offenses designated in § 2-228 as set forth in section 1 thereof, then the city recorder shall give licensee notice of a hearing before the beer board in accordance with § 8-207 of the Town of Bruceton Municipal Code of hearing. (Ord. #00-01, Feb. 2000)

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

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. CABLE TELEVISION.
7. ADULT ORIENTED ESTABLISHMENT/MASSAGE REGISTRATION.
8. ADULT ORIENTED ESTABLISHMENTS.

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

- 9-101. "Going out of business" sales.
9-102. Tattooing prohibited.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1982 Code, § 5-101)

9-102. Tattooing prohibited. No business license shall be issued for any commercial concern in the Town of Bruceton engaging in the practice of tattooing. Furthermore, it shall be unlawful to engage in the practice of tattooing within the confines of the Town of Bruceton. (Ord. #90-46, Aug. 1990)

¹Municipal code references

Liquor and beer regulations: title 8.

Noise reductions: title 11.

CHAPTER 2**PEDDLERS, ETC.¹****SECTION**

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1982 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1982 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the town recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹Municipal code references
Privilege taxes: title 5.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

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

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1982 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the town recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the town recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the town recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The town recorder shall keep a permanent record of all permits issued. (1982 Code, § 5-204)

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

police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1982 Code, § 5-205)

9-206. Bond. Every permittee shall file with the town recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given. The surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1982 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1982 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1982 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1982 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1982 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1982 Code, § 5-211)

9-212. Reapplication No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1982 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1982 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.

9-302. Prerequisites for a permit.

9-303. Denial of a permit.

9-304. Exhibition of permit.

9-305. Soliciting in the streets or at a roadblock.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1982 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1982 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1982 Code, § 5-303).

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1982 Code, § 5-304)

9-305. Soliciting in the streets or at a roadblock. No peddling or solicitation of funds shall be conducted in vehicular traffic lanes on the streets or roads of the town nor shall any person operate a fund raising "roadblock" of any kind.

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance or bond required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1982 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body; and make a

¹Municipal code reference
Privilege taxes: title 5.

recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1982 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1982 Code, § 5-403)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1982 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of the state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1982 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1982 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1982 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1982 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1982 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1982 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1982 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1982 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1982 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1982 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1982 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1982 Code, § 5-416)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

9-501. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1982 Code, § 5-501)

9-502. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1982 Code, § 5-502)

9-503. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the parents of such minor, if living. If the parents are dead, then written consent must be obtained from the 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 must be obtained. This section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1982 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the Town of Bruceton and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Bruceton and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #96-01 dated May 21, 1996 in the office of the town recorder.

CHAPTER 7

ADULT ORIENTED ESTABLISHMENT/MASSAGE REGISTRATION

SECTION

- 9-701. Short title.
- 9-702. Definitions.
- 9-703. Adult oriented establishment/massage registration board.
- 9-704. License to operate required.
- 9-705. License to operate--application.
- 9-706. License to operate--qualifications.
- 9-707. Inspections; notice of results.
- 9-708. Injunctions; contempt.
- 9-709. Revocation, suspension or annulment of licenses.
- 9-710. Hearings or disciplinary actions, etc.
- 9-711. Termination and renewal of licenses; applications; fees.
- 9-712. Hours open for inspection.
- 9-713. Duties and responsibilities of operators, entertainers and employees.
- 9-714. Prohibited activities.
- 9-715. Entertainers or escorts--permits required.
- 9-716. Entertainers or escorts--permits--application.
- 9-717. Entertainers or escorts--qualifications; investigations.
- 9-718. Entertainers or escorts--permits, fees.
- 9-719. Penalties.
- 9-720. Part not exclusive or preemptory of local laws or regulations.

9-701. Short title. This part shall be known and cited as the "Adult-Oriented Establishment/Massage Registration Ordinance of 1999." (Ord. #99-04, Nov. 1999)

9-702. Definitions. As used in this part, unless the context otherwise requires:

(1) "Adult bookstore" means a business which offers, as its principal or predominate stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults;

(2) "Adult cabaret" means an establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits,

lingerie, or latex covering. "Adult cabaret" includes a commercial establishment which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers;

(3) "Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers;

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

(5) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below, for observation by patrons therein;

(6) "Adult-oriented establishment" includes, but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, or lingerie modeling and further "adult-oriented establishment" means any premises to which the public patrons or members 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-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import;

(7) "Board" means the adult-oriented establishment board, or, if there is in existence in the town a massage registration board appointed by the mayor, such board may be substituted for the board;

(8) "Town," as used in this part, means the Town of Bruceton;

(9) "Employee" means a person who performs any service on the premises of an adult-oriented establishment on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not such person is

paid a salary, wage, or other compensation by the operator of such 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 an "adult-oriented establishment" as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort or an independent contractor.

(11) "Escort" means a person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort;

(a) "Service-oriented escort" is an escort which:

(i) Operates from an open office;

(ii) Does not employ or use an escort runner;

(iii) Does not advertise that sexual conduct will be provided to the patron or work for an escort bureau which so advertises; and

(iv) Does not offer or provide sexual conduct.

(b) "Sexually-oriented escort" is an escort which:

(i) Employs as an employee, agent, or independent contractor an escort bureau runner;

(ii) Works for, as an agent, or independent contractor, or is referred to a patron by a sexually-oriented escort bureau;

(iii) Advertises that sexual conduct will be provided, or works for, as an employee, agent or independent contractor or is referred to a patron by an escort bureau which so advertises;

(iv) Solicits, offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort bureau;

(v) Works as an escort without having a current valid permit issued under this part, in such person's possession at all times while working as an escort; or

(vi) Accepts a fee from a patron who has not first been delivered a contract.

(12) "Escort service" means a "person" as defined in this section, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts;

(a) "Service-oriented escort bureau" is an escort bureau which:

(i) Maintains an open office at an established place of business;

- (ii) Employs or provides only escorts which possess valid permits issued under this part;
 - (iii) Does not use an escort bureau runner; and
 - (iv) Does not advertise that sexual conduct will be provided to a patron.
- (b) "Sexually-oriented escort bureau" is an escort bureau which:
- (i) Does not maintain an open office;
 - (ii) Employs as an employee, agent, or independent contractor, uses an escort bureau runner;
 - (iii) Advertises that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron;
 - (iv) Solicits, offers to provide or does provide acts of sexual conduct to an escort patron;
 - (v) Employs, contracts with or provides or refers escorts who do not possess valid permits issued under this part;
 - (vi) Does not deliver contracts to every patron or customer; or
 - (vii) Employs, contracts with a sexually-oriented escort or refers or provides to a patron, a sexually-oriented escort.

(13) "Massage parlor" means an establishment or place primarily in the business of providing massage or tanning services where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material;

(14) "Open office" means an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours during which escorts are working, which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints;

(15) "Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult-oriented establishment;

(16) "Person" means an individual, partnership, limited partnership, firm, corporation or association;

(17) "Rap parlor" means an establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults;

(18) "Sauna" means an establishment or place primarily in the business of providing:

- (a) A steam bath; or
- (b) Massage services.

(19) "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 another person;

(20) "Sexual encounter center" means a business or commercial enterprise that, as one (1) of its primary 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) Physical contact between male and female persons and/or persons of the same sex when one (1) or more of the persons exposes to view of the persons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material;

(21) "Sexual gratification" means "sexual conduct" as defined in this part;

(22) "Sexual stimulation" means to excite or arouse the prurient interest or to offer or solicit acts of "sexual conduct" as defined in this part;

(23) "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;

(24) "Specified criminal acts" means the following criminal offenses as defined by Tennessee Code Annotated:

(a) Aggravated rape;

(b) Rape;

(c) Rape of a child;

(d) Aggravated sexual battery;

(e) Sexual battery by an authority figure;

(f) Sexual battery;

(g) Statutory rape;

(h) Public indecency;

(i) Prostitution;

(j) Promoting prostitution;

(k) Distribution of obscene materials;

(l) Sale, loan or exhibition to a minor of material harmful to minors;

(m) The display for sale or rental of material harmful to minors;

(n) Sexual exploitation of a minor;

(o) Aggravated sexual exploitation of a minor; and

- (p) Especially aggravated sexual exploitation of a minor;
 - (25) "Specified sexual activities" means:
 - (a) Human genitals in a state of sexual stimulation or arousal;
 - (b) Acts of human masturbation, sexual intercourse or sodomy;
- or
- (c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts; and

(26) "Specified services" means massage services, private dances, private modeling, acting as an "escort" as defined in this part, and any other live "adult entertainment" as defined in this part. (Ord. #99-04, Nov. 1999)

9-703. Adult-oriented establishment/massage registration board.

(1) There is created an adult-oriented establishment/massage registration board.

(2) The board shall consist of five (5) members appointed by the mayor.

(3) The terms of the board members shall be coextensive with the terms of the massage registration board with no member serving after the expiration of the member's term or removal from the massage registration board. The terms of the board members shall be for four (4) years.

(4) A majority of the members to which the board is entitled shall constitute a quorum.

(5) The board shall serve without compensation but the members shall receive their actual expenses for attending adult-oriented establishment board meetings.

(6) The board shall select a chair from among its members and the chair shall notify interested persons and members of board meetings.

(7) The board shall meet as often as required to carry out the provisions of this part. (Ord. #99-04, Nov. 1999)

9-704. License to operate required. (1) Except as provided in subsection (5), from and after December 14, 1999, of this part, no adult-oriented establishment shall be operated or maintained without first obtaining a license to operate issued by the town adult-oriented establishment/massage registration board.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for each. No building, premises, structure or other facility that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment.

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

(4) It is unlawful for any entertainer, employee, escort or operator to knowingly work in or about or to knowingly perform any service directly related

to or at the request of the operation of any unlicensed adult-oriented establishment or escort service.

(5) All existing adult-oriented establishments at the time of the passage of this part must submit an application for a license within one hundred twenty (120) days of December 14, 1999. If a license is not issued within such one hundred twenty-day period, then such existing adult-oriented establishment shall cease to operate.

(6) No license shall be issued by the board unless the applicant certifies, by proof satisfactory to the board, that the applicant has satisfied the rules, regulations and provisions of the applicable zoning requirements in the town. Any zoning requirement shall be in addition to and not an alternative to any requirement of this legislation. (Ord. #99-04, Nov. 1999)

9-705. License to operate--application. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the adult-oriented establishment board. A copy of the application shall be distributed promptly to the town police and shall be accompanied by a non-refundable fee of \$1,000.00 for a license.

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

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) The business, occupation or employment of the applicant in an adult-oriented establishment for five (5) years immediately preceding the date of the application;
- (d) The adult-oriented establishment or similar business license history of the applicant; whether such applicant, in previously operating in this or any other county, city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation;
- (e) Any conviction for or plea of nolo contendere to a specified criminal act as defined in Tennessee Code Annotated, § 7-51-1102(24);
- (f) The address of the adult-oriented establishment to be operated by the applicant;
- (g) If the applicant is a corporation, the application shall specify the name, address, and telephone number of the corporation, the date and the state of incorporation, the name and address of the registered agent for service of process of the corporation, and the names and addresses of the officers and directors of the corporation, and the names and addresses of any persons holding fifty percent (50%) or more of the stock of the corporation; if the applicant is a partnership, the application shall specify the name and address of the partnership, the name and

address of all general partners of the partnership; if the partnership is a limited partnership, the application shall specify the name and address of all general partners who have a controlling interest in the partnership; and

(h) A statement by the applicant that the applicant is familiar with the provisions of this legislation and is in compliance with them.

(i) Within ten (10) days of receiving the results of the investigation conducted by the board and/or the police or sheriff's department, the board shall notify the applicant that the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the board shall advise the applicant in writing whether the application is granted or denied.

(j) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this part constitutes an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the board. (Ord. #99-04, Nov. 1999)

9-706. License to operate—qualifications. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

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

(b) The applicant shall not have had a license revoked within five (5) years immediately preceding the date of the application;

(c) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and

(d) The applicant shall not have been convicted of a "specified criminal act," as defined in Tennessee Code Annotated, § 7-51-1102, for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;

- (iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;
- (2) If the applicant is a corporation:
 - (a) All officers, directors and stockholders required to be named under Tennessee Code Annotated, § 7-51-1105(b) shall be at least eighteen (18) years of age;
 - (b) No officer, director and stockholder required to be named under Tennessee Code Annotated, § 7-51-1105(b) shall have had an adult-oriented establishment license revoked within five (5) years immediately preceding the date of the application;
 - (c) No officer, director or stockholder required to be named under Tennessee Code Annotated, § 7-51-1105(b) shall have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application;
 - (d) The applicant or officer, director or stockholder required to be named under Tennessee Code Annotated, § 7-51-1105(b) shall not have been convicted of a "specified criminal act," as defined in Tennessee Code Annotated, § 7-51-1102 for which:
 - (i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;
 - (ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;
 - (iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;
 - (iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;
- (3) If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
 - (a) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
 - (b) All persons having a financial interest in the partnership, joint venture or other type of organization shall not have had a license revoked within five (5) years immediately preceding the date of the application;
 - (c) No applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and
 - (d) The applicant or any person having a financial interest required to be disclosed shall not have been convicted of a "specified

criminal act," as defined in Tennessee Code Annotated, § 7-51-1102 for which:

- (i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;
 - (ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;
 - (iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;
 - (iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;
- (4) No license shall be issued unless the board or police department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the board no later than twenty (20) days after the date of the application.
- (5) An applicant who has been convicted of any "specified criminal activities" may not be denied a permit based on those convictions once the time period required in this section has elapsed. (Ord. #99-04, Nov. 1999)

9-707. Inspections; notice of results. (1) In order to effectuate the provisions of this part, the board, its authorized representative or director of safety is empowered to conduct investigations of persons engaged in the operation of any adult-oriented establishment and inspect the license of the operators and establishment for compliance. Refusal of an operation or establishment to permit inspections shall be grounds for revocations, suspension or refusal to issue licenses provided by this part.

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

(3) If an additional investigation is held, upon the expiration of the thirtieth day, the applicant shall be permitted to begin operating the business for which the license is sought, unless or until the board or its authorized representative notifies the applicant of a denial of the application and states the reasons for that denial. (Ord. #99-04, Nov. 1999)

9-708. Injunctions; contempt. (1) The board has the power and authority to enter into any court of the state of Tennessee having proper jurisdiction to seek an injunction against any person or adult-oriented establishment not in compliance with the provisions of this part, and further empowered to enter into any such court to enforce the provisions of this part in order to ensure compliance with such provisions.

(2) Any violation of an injunction obtained under this section is a contempt punishable by a fine of fifty dollars (\$50.00).

(3) Each day in contempt of such injunction is considered a separate offense.

(4) The circuit, chancery, or criminal courts of this state and the chancellors and judges thereof shall have full power, authority, and jurisdiction, upon application by sworn detailed petition filed by the board within their respective jurisdictions, to issue any and all proper restraining orders, temporary and permanent injunctions; and any other writs and processes appropriate to carry out and enforce this part. (Ord. #99-04, Nov. 1999)

9-709. Revocation, suspension or annulment of licenses. (1) The board shall revoke, suspend or annul a license for any of the following reasons:

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

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

(c) The operator becomes ineligible to obtain a license;

(d) Any cost or fee required to be paid by this part is not paid;

(e) Any intoxicating liquor, wine or malt beverage is served or consumed on the premises of the adult-oriented establishment;

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

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

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

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

(j) Any operator employee or entertainer is convicted of a "specified criminal act," as defined in § 9-702 provided that such violation occurred on the licensed premises.

(2) (a) Notwithstanding anything herein to the contrary, before revoking or suspending any license or permit, the chair shall give the license holder or permit holder not less than ten (10) nor more than twenty (20) days' written notice of the charges against such license holder or permit holder and of the revocation of such license or permit, or of the period of time such license or permit is to be suspended; such notice shall also advise the license holder or permit holder of the license holder's or permit holder's right to request a hearing before the board. In the event the license holder or permit holder does not request in writing a hearing before the board within the time set forth in such notice, the suspension or revocation shall be effective beginning the date set forth in such notice.

(b) If the license holder or permit holder desires to request a hearing before the board to contest the suspension or revocation, such request shall be made in writing to the town mayor within ten (10) days of the license holder's or permit holder's receipt of the notification from the board. If the license holder or permit holder timely requests such a hearing, the effective date of a suspension or hearing shall be stayed pending the final outcome of judicial proceedings to determine whether such license or permit has been properly revoked or suspended under the law.

(c) If the license holder or permit holder timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the mayor's receipt of such request before the board at which time the license holder or permit holder may present evidence contrary to the provisions of this part. The board shall hear evidence concerning the basis for such suspension or revocation and shall affirm or reverse the suspension or revocation at the conclusion of such hearing; any such hearing shall be concluded no later than twenty-two (22) days after the license holder's or permit holder's receipt of the notification of the suspension or revocation, unless an extension beyond such time period is requested by the license holder or permit holder and granted by the board.

(3) If the board affirms the suspension or revocation, the licensee may institute suit for declaratory judgment in the Chancery Court for Carroll County within five (5) days of the date of any such affirmation seeking an immediate judicial determination of whether such license or permit has been properly revoked or suspended under the law.

(4) Any operator whose license is revoked shall not be eligible to receive a license for five (5) years from the date of revocation.

(5) The applicant shall be entitled to judicial determination of the issues within two (2) days after joinder issue, and a decision shall be rendered by the court within two (2) days of the conclusion of the hearing. (Ord. #99-04, Nov. 1999)

9-710. Hearings on disciplinary actions, etc. (1) As used in this section, "application" means:

- (a) An application for a license;
- (b) An application for a permit;
- (c) An application for a license renewal; and
- (d) An application for a permit renewal.

(2) Whenever an application is denied, the chair shall notify the applicant in writing of the reasons for such action; such notice shall also advise the applicant of the applicant's right to request a hearing before the board. If the applicant desires to request a hearing before the board to contest the denial of an application, such request shall be made in writing to the mayor within ten (10) days of the applicant's receipt of the notification of the denial of the application. If the applicant timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the mayor's receipt of such request before the board, at which time the applicant may present evidence as to why the application should not be denied. The board shall hear evidence concerning the basis for denial of the application and shall affirm or reverse the denial of an application at the conclusion of such hearing; any such hearing shall be concluded no later than twenty-two (22) days after the applicant's receipt of notification of denial of an application, unless an extension beyond such time period is requested by the applicant and granted by the board.

(3) If the board affirms the denial of an application, the applicant shall institute suit for declaratory judgment in the Chancery Court for Carroll County, within five (5) days of the date of any such denial seeking an immediate judicial determination of whether such application has been properly denied under the law.

(4) The applicant shall be entitled to judicial determination of the issues within two (2) days after joinder of issue, and a decision shall be rendered by the court within two (2) days of the conclusion of the hearing. (Ord. #99-04, Nov. 1999)

9-711. Termination and renewal of licenses; applications; fees.

(1) Every license issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the board. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the board. A copy of the application for renewal shall be distributed promptly by the chair of the board to the director of public safety. The application for renewal shall contain such information and data, given under oath or affirmation, as may be required by the board, but not less than the information contained in the original application.

(2) A license renewal fee of five hundred dollars (\$500) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If the application is denied, one half (½) of the fee shall be returned.

(3) If the police department is aware of any information bearing on the operator's qualifications, the information shall be filed in writing with the board not later than ten (10) days after the date of the application for renewal.

(4) Every permit issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before an entertainer is allowed to provide entertainment in an adult-oriented establishment in the following calendar year. Any entertainer desiring to renew a permit shall make application to the board. The application for renewal must be filed not later than thirty (30) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the board. A copy of the application for renewal shall be distributed promptly by the board to the police chief. The application for renewal shall be upon a form provided by the board and shall contain such information and data, given under oath or affirmation, as may be required by the board.

(5) A permit renewal fee of twenty-five dollars (\$25.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of five dollars (\$5.00) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires. If the application is denied, one half (½) of the fee shall be returned.

(6) If the police department is aware of any information bearing on the entertainer's qualifications, that information shall be filed in writing with the board not later than ten (10) days after the date of the application for renewal.

(7) Notwithstanding anything herein to the contrary, any application for renewal of a license or for renewal for a permit shall be handled, investigated, and approved or denied within the same time periods as those established in this part for original license applications and permit applications. In the event a license renewal application or permit renewal application is denied, the applicant shall have all rights of appeal to the board as set forth in Tennessee Code Annotated, § 7-51-1110. (Ord. #99-04, Nov. 1999)

9-712. Hours open for inspection. The public portion of all adult-oriented establishments shall be open to inspection at all reasonable times by the applicable police department or such other persons as the board may designate. (Ord. #99-04, Nov. 1999)

9-713. Duties and responsibilities of operators, entertainers and employees. (1) The operator shall maintain a register of all employees, showing the name, the aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone number, social

security number, driver license number, date of employment and termination, and duties of each employee, and such other information as may be required by the board. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of employees available immediately for inspection by the board and/or police department upon demand of a member of the board or police department at all reasonable times.

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

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

(5) No operator or entertainer or any employees of the operator shall consume while on the premises of the adult-oriented establishment or serve or allow to be served or consumed by any such person or patron any intoxicating liquor, wine, malt beverage or a controlled substance as defined by Tennessee Code Annotated.

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

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever.

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

(9) The license shall be conspicuously displayed in the common area of the premises at all times.

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

"This Adult Oriented Establishment is Regulated by Tennessee Code Annotated, Title 7, Chapter 51, Sections 1101 through 1120 and Bruceton Municipal Code Title 9, Chapter 7, §§ 9-701 through 9-720. Entertainers are:

(1) Not permitted to engage in any type of sexual conduct;

- (2) Not permitted to expose their sex organs;
- (3) Not permitted to demand or collect all or any portion of a fee for entertainment before its completion;
- (4) Not permitted to appear in a state of full nudity."

(11) The permit shall be kept by an employee, entertainer, or escort so that it is readily available for display immediately upon request of a customer, any member of such town police department, any board member, or any person designated by the board. (Ord. #99-04, Nov. 1999)

9-714. Prohibited activities. (1) No operator, entertainer or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow, patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

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

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

(4) (a) No employee or entertainer, while on the premises of an adult-oriented establishment may:

- (i) Engage in sexual intercourse;
- (ii) Engage in deviant sexual conduct;
- (iii) Appear in a state of nudity;
- (iv) Fondle such person's own genitals or those of another.

(b) For the purpose of this section, "nudity" means the showing of the human male or female genitals or pubic area 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.

(5) If the license holder operates an escort bureau, such bureau shall not be operated as a "sexually-oriented escort bureau" as defined in this part.

(6) No permit holder of an escort bureau shall conduct oneself as a "sexually-oriented escort" as defined in this part.

(7) No license holder shall advertise that such license holder offers "sexual stimulation" or "sexual gratification" as defined in this part. (Ord.#99-04, Nov. 1999)

9-715. Entertainers or escorts--permits required. No person shall be an entertainer, employee, or escort in an adult-oriented establishment without a valid permit issued by the board. (Ord. #99-04, Nov. 1999)

9-716. ~~Entertainers or escorts--permits--application.~~ (1) Any person desiring to secure a permit shall make application to the board. The application shall be filed in triplicate with and dated by the board. A copy of the application shall be distributed promptly by the board to the police department.

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

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) The applicant's height, weight, color of eyes and hair;
- (d) The adult-oriented establishment or similar business permit history of the applicant; whether such person, in previously operating in this or any other city or state under permit, has had such permit revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation;
- (e) Any conviction for a plea of nolo contendere to "a specified criminal act" as defined in Tennessee Code Annotated, § 7-51-1102(24);
- (f) Two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant; and
- (g) A statement by the applicant that the applicant is familiar with the provisions of this part and is in compliance with them.

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

(4) If an additional investigation is held, upon the expiration of the thirtieth day, the applicant shall be permitted to begin operating the business for which the license is sought, unless or until, the board or its authorized representative notifies the applicant of a denial of the application and states the reasons for that denial.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application, or the applicant's refusal to submit to or cooperate with any investigation required by this part, constitutes an admission by the applicant that the applicant is ineligible for such permit, and is grounds for denial thereof by the board. (Ord. #99-04, Nov. 1999)

9-717. Entertainers or escorts; qualifications; investigations.

(1) To receive a permit as an entertainer or escort, an applicant must meet the following standards:

- (a) The applicant shall be at least eighteen (18) years of age;
- (b) The applicant shall not have had a permit revoked within two (2) years immediately preceding the date of the application;
- (c) The applicant shall not have been convicted of a "specified criminal act," as defined in Tennessee Code Annotated, § 7-51-1102 for which:

- (i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;
- (ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;
- (iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;
- (iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;

(d) An applicant who has been convicted of any specified criminal activities may not be denied a permit based on those convictions once the time period required in subdivision (1)(c) has elapsed.

(2) No permit shall be issued until the board or police department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the board no later than thirty (30) days after the date of the application. (Ord. #99-04, Nov. 1999)

9-718. Entertainers or escorts—permits, fees. (1) A license fee of a non-refundable one thousand dollars (\$1,000) shall be submitted with the application for a license.

(2) A permit fee of one hundred dollars (\$100) shall be submitted with the application for a permit. (Ord. #99-04, Nov. 1999)

9-719. Penalties. (1) Any person, partnership or corporation found to have violated this part shall be fined a definite sum not exceeding fifty dollars (\$50.00) and shall result in the suspension or revocation of any license.

(2) Each violation of this part shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

(3) At the boards discretion, and in the event of a violation by an employee or entertainer not attributed to the license, the board may assess a civil penalty or forfeiture in lieu of license forfeiture in an amount not to exceed one thousand five hundred dollars (\$1,500) per violation as determined by (2). (Ord. #99-04, Nov. 1999)

9-720. Part not exclusive or preemptory of local laws or regulations. Nothing in this part shall pre-empt or prevent the town from enacting and enforcing other lawful and reasonable restrictions, regulations, licensing, zoning, and other criminal, civil or administrative provisions concerning the location, configuration, code compliance, or other business operations or requirements of adult-oriented establishments and sexually-oriented businesses. (Ord. #99-04, Nov. 1999)

CHAPTER 8

ADULT ORIENTED ESTABLISHMENTS

SECTION

9-801. Definitions.

9-802. Hours of operation.

9-803. Physical design of premises.

9-804. Penalty.

9-801. Definitions. As used in this part, unless the context otherwise requires:

(1) "Adult" means a person who has attained eighteen (18) years of age;

(2) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

(3) "Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, including removal of articles of clothing or appearing unclothed;

(4) "Adult-oriented establishment" means any commercial establishment, business or service, or portion thereof, which offers, as its principal or predominant stock or trade, sexually-oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults. "Adult-oriented establishment" includes, but is not limited to:

(a) "Adult book stores," which means any corporation, partnership or business of any kind which has as its principal or predominant stock or trade, books, magazines or other periodicals and which offers, sells, provides or rents for a fee:

(i) Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or

(ii) Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or

(iii) Any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age;

(b) "Adult motion picture theaters," which means an enclosed building used for presenting film presentations which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and

(c) "Adult shows" or "adult peep shows," which includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities;

(5) "Bestiality" means sexual activity, actual or simulated, between a human being and an animal;

(6) "Masochism" means sexual gratification achieved by a person through, or the association of sexual activity with, submission or subjection to physical pain, suffering, humiliation, torture or death;

(7) "Person" means an individual, partnership, limited partnership, firm, corporation or association;

(8) "Sadism" means sexual gratification achieved through, or the association of sexual activity with, the infliction of physical pain, suffering, humiliation, torture or death upon another person or animal;

(9) "Specified sexual activities" means activities, services or performances that include the following sexual activities and/or the exhibition of the following anatomical areas:

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

(b) Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or any excretory function, or representation thereof; or

(c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts; and

(10) "Sexually-oriented material" means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits human male genitals in a discernibly turgid state, even if completely covered. (Ord. #99-04, Nov. 1999)

9-802. Hours of operation. No adult-oriented establishment pursuant to 10-3-201 et seq. or this part shall open to do business before eight o'clock P.M. (8:00 P.M.), Monday through Saturday; and no such establishment shall remain open after twelve o'clock (12:00) midnight, Monday through Saturday. No adult-oriented establishment shall be open for business on any Sunday or a legal holiday as designated in Tennessee Code Annotated, § 15-1-101. (Ord. #99-04, Nov. 1999)

9-803. Physical design of premises. No person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part thereof, which is an adult-oriented establishment and which contains:

(1) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or

(2) Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of motion pictures or other offered entertainment. (Ord. #99-04, Nov. 1999)

9-804. Penalty. A first offense for a violation of this part is a Class B misdemeanor, punishable only by a fine of five hundred dollars (\$500); and a second or subsequent such offense is a Class A misdemeanor which shall be prosecuted in the General Sessions Court of Carroll County. (Ord. #99-04, Nov. 1999)

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1982 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1982 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1982 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1982 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1982 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1982 Code, § 3-106)

10-107. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1982 Code, § 3-107)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1982 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1982 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1982 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1982 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1982 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1982 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1982 Code, § 3-207)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
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. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption of such beverage. (1982 Code, § 10-228)

11-102. Minors in beer places. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1982 Code, § 10-222)

¹Municipal code references

Animals and fowls: title 10.

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).

CHAPTER 2**FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1982 Code, § 10-234)

CHAPTER 3**OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1982 Code, § 10-202)

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 any individual, or in disturbance of the public peace and welfare, is prohibited.

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

(a) Blowing horns. The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or 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 unreasonably 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, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, 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, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable 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 board of mayor and aldermen. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1982 Code, § 10-233, modified)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**SECTION**

11-401. Impersonating a government officer or employee.

11-402. False emergency alarms.

11-403. Coercing people not to work.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1982 Code, § 10-211)

11-402. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1982 Code, § 10-217)

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. (1982 Code, § 10-230)

CHAPTER 5**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the town to discharge any 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. (1982 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1982 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1982 Code, § 10-212, modified)

CHAPTER 6

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC**

SECTION

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Malicious mischief.
- 11-604. Interference with traffic.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1982 Code, § 10-236)

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 the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1982 Code, § 10-221)

11-603. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1982 Code, § 10-225)

11-604. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1982 Code, § 10-232)

CHAPTER 7

MISCELLANEOUS

SECTION

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc.
- 11-704. Curfew for minors.
- 11-705. Tampering with town's papers.
- 11-706. Misdemeanors of the state adopted.
- 11-707. Violations of ordinances for which a specific punishment is not enumerated.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1982 Code, § 10-223)

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 which is dangerous to life and limb without an adequate cover or safeguard. (1982 Code, § 10-231)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1982 Code, § 10-226)

11-704. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1982 Code, § 10-224)

11-705. Tampering with town's papers. It shall be unlawful for any person knowingly to destroy or misplace any of the town's papers. (1982 Code, § 10-235)

11-706. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against the

Town of Bruceton also. Any violation of any such law within the corporate limits is also a violation of this section. (1982 Code, § 10-101)

11-707. Violations of ordinances for which a specific punishment is not enumerated. The violation of any ordinances of the Town of Bruceton for which there is not a specific penalty enumerated herein shall be punishable by a \$50.00 fine plus court costs.

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING PERMITS.

CHAPTER 1

BUILDING PERMITS

SECTION

- 12-101. Building permit required.
- 12-102. Application.
- 12-103. Building permit forms.
- 12-104. Permit fee.
- 12-105. Duration of permits.

12-101. Building permit required. No building or structure of any type or character shall be constructed or erected within the corporate limits of the Town of Bruceton unless and until the person, firm, or corporation constructing or erecting such structure or building shall first obtain a permit authorizing such construction or erection as hereinafter provided. (1982 Code, § 4-101)

12-102. Application. Any person, firm, or corporation desiring to construct or erect any building or structure shall first apply in writing to the town recorder for a permit to make such construction or erection. The written application shall disclose the type and size of the structure to be erected, the materials of which it is to be constructed, the approximate cost, and the location thereof. The application shall be signed by such person, firm, or corporation and filed with the recorder. (1982 Code, § 4-102, modified)

12-103. Building permit forms. Building permit forms shall be substantially as follows:

Building Permit

Application having been made by _____ in writing for a permit to construct _____ in the Town of Bruceton and after due consideration thereof said permit is by the Board of Mayor and Aldermen hereby issued this the _____ day of _____, 20 __.

Recorder

These forms shall remain with the recorder at his office and be issued in keeping with the provisions of this chapter.

The original of the permit shall be issued to the applicant with a duplicate to be placed in the permanent files of the town. (1982 Code, § 4-104, modified)

12-104. Permit fee. The applicant shall pay to the recorder a fee for the issuance of such permit which fee shall be tendered with the application. The amount of the application fee shall be pursuant to the table set forth herein.

\$15.00 minimum	Decks Sidewalks Additional Driveways Pools Fences Porch
\$25.00	Any structure 750 sq. ft. or less
\$50.00	Any structure 751 sq. ft. up to 2000 sq. ft.
\$75.00	Any structure 2001 sq. ft. up to 3500 sq. ft.
	Any structure 3501 sq. ft. or larger

If the permit is refused or not issued, the amount so tendered will be repaid to the applicant. However, once the permit is issued, the application fee is not refundable. (1982 Code, § 4-105, as amended by Ord. #99-05, Feb. 2000)

12-105. Duration of permits. Any permit issued pursuant to this chapter is valid for a period of six (6) months from the date that any work in furtherance of the permit is first actually performed on the physical site. All permit holders shall complete the designated work within the period of six (6) months or shall re-apply at or before the end of that period for an additional permit. Said permit shall be posted in a conspicuous place at the building site. (Ord. #91-2, June 1991, modified)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE AND ELIMINATION OF DANGEROUS STRUCTURES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Health and sanitation nuisances.
- 13-106. Abandoned, inoperable or junk vehicles.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1982 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1982 Code, § 8-104)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1982 Code, § 8-105)

13-104. Weeds. (1) Any weed such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land

¹Municipal code references
Animal control: title 10.

in the town are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(2) It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding twenty-four (24) inches anywhere in the town. Any such plants or weeds exceeding such height are hereby declared a nuisance.

(3) It shall be the duty of the chief of police to serve or cause to be served a notice upon the owner or occupant, if any, of any premises on which weeds or plants are permitted to grow in violation of the provisions of this section and to demand the abatement of the nuisance within ten days.

(4) If the person so served does not abate the nuisance within ten days, the Town of Bruceton may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant, upon said owner and occupant, if any, being billed as hereinafter provided.

(5) Charges for such removal shall be charged to the owner or occupant of said premises, each being jointly or severally liable therefor and whenever such charge remains unpaid for 60 days after it has been rendered, the Town of Bruceton shall have a right to maintain an action at law for the collection of such charges. Notice of such charges shall be mailed to the owner and occupant, if any, of said premises by certified mail so as to give the owner and occupant notice of said charge.

(6) The city attorney for the Town of Bruceton, upon being notified by the city recorder is hereby authorized and directed to institute such proceedings in the name of the Town of Bruceton in any court having jurisdiction over such matter against any owner and occupant as to such charges that have remained unpaid 60 days after notice. (1982 Code, § 8-106, modified)

13-105. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1982 Code, § 8-107)

13-106. Abandoned, inoperable or junk vehicles. (1) It shall be unlawful for the owner of any motor operated vehicle which is inoperable, junk or which only has a salvage value to abandon the same or to park the same within the corporate limits of the town for more than thirty (30) days whether at any one or combination of locations unless the vehicle is located inside an enclosed building or other permanent structure.

(2) It shall further be unlawful for the owner of any real property, whether residential or commercial in use, located within the corporate limits of the town to park or allow to be parked or placed on that real property any motor operated vehicle which is inoperable, junk or which only has a salvage value for a time greater than thirty (30) days unless the vehicle is located inside an enclosed building or other permanent structure.

(3) The police officers of the town are to determine when any person is in violation of section (1) or (2) above. Written notice shall be given either by personal delivery or by certified United States of America mail with return receipt to the owner of record. The notice shall advise the person of the violation, the need to correct the condition and of the consequences of failing to remedy the noted condition as well as to their rights to a hearing. If the person receiving the notice desires a hearing then he/she shall request a hearing before the town recorder by filing a request in writing for a hearing with the town recorder within ten business days of the receipt of said notice. Failure to file such a request for a hearing shall constitute a waiver of the right to a hearing.

(4) If a person receives notice pursuant to this section of a violation and does not correct it within ten days or does not request a hearing within ten days in response to the notice or does not correct the condition within ten days of a hearing, should the town prevail at said hearing, then the town may:

(a) Cause the offending property to be removed and the property disposed of and may recover the costs of the removal from the offending person in an action at law or;

(b) Cite the offending person into the town court where the town judge shall have the authority to impose a fine for the violation of this section in the amount of \$50.00. For purposes of this subsection each calendar day that the condition exists may be considered by the court to be a separate and distinct offense. (Ord. #93-02, Oct. 1993, modified)

CHAPTER 2

SLUM CLEARANCE AND ELIMINATION OF DANGEROUS STRUCTURES

SECTION

- 13-201. Purpose.
- 13-202. Definitions.
- 13-203. Unfit or dangerous structures.
- 13-204. Conditions rendering structure unfit or dangerous.
- 13-205. Designation of public officer.
- 13-206. Powers given public officer.
- 13-207. Service of complaints or orders.
- 13-208. Hearings on complaints or petitions.
- 13-209. Finding of dangerous or unfit structures.
- 13-210. Failure to comply with order.
- 13-211. Removal or demolition by municipality.
- 13-212. Recovery of cost and placement of liens.
- 13-213. Allocation of funds for program.
- 13-214. Applicability.
- 13-215. Conflicts.

13-201. Purpose. The purpose of this chapter is to provide the necessary administrative and legal procedures as required by art. I, § 1.04(i), of the Charter of the Town of Bruceton and Tennessee Code Annotated, § 13-21-103, for the designation of unsafe, hazardous or dangerous dwellings and structures and for the abatement of same within the municipality. (Ord. #97-04, Sept. 1997)

13-202. Definitions. The following terms wherever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

- (1) "Municipality" shall mean the Town of Bruceton, Tennessee.
- (2) "Governing body" shall mean the Board of Aldermen and Mayor of the Town of Bruceton.
- (3) "Public officer" shall mean the officer or officers who are authorized hereinbelow to exercise the powers prescribed by this chapter.
- (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 municipality relating to health, fire, building regulations, or other activities concerning structures in the municipality.
- (5) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

(6) "Parties of interest" shall mean all individuals, associations, corporations and others who have interest of record in a structure and any who are in possession thereof.

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human residential habitation or abode or use, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(8) "Place of public accommodation" shall mean any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(9) "Structure" shall mean any dwelling, any place of public accommodation; any place wherein business, trade, commerce or manufacture is conducted; any advertising sign; fences or any other similar man-made facility or object. (Ord. #97-04, Sept. 1997)

13-203. Unfit or dangerous structures. All dwellings, structures and other similar facilities within the municipality which are unsuitable or unsafe for human occupancy or use due to dilapidation; defects increasing the hazards of fire, accident or other calamities; damage from fire; lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the Town of Bruceton, shall be upon proper investigation by the appropriate public official declared as an "Unfit or Dangerous Structure," and shall be and is hereby declared to be a public nuisance, which shall be upon application of the proper procedure by a public authority abated as directed. (Ord. #97-04, Sept. 1997)

13-204. Conditions rendering structure unfit or dangerous. The public officer may determine that a structure is unfit for human occupation or use, if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure; the occupants of neighboring structures or other residents of the municipality. 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, caused either by neglect or fire or other such damage; disrepair; structural defects, or uncleanness. The public officer of public authority may also utilize the standards and requirements of other related adopted codes of the municipality, such as the building code, housing code. etc. (Ord. #97-04, Sept. 1997)

13-205. Designation of public officer. The codes enforcement official/building inspector is designated as the principle public officer for the administering and enforcement of the provisions of this chapter; however, the

following duly elected or appointed and serving officers or employees of the Town of Bruceton are also authorized to enforce the provisions of this chapter:

- (1) Fire marshal/fire chief.
- (2) Chief of police.
- (3) Town recorder.
- (4) Town attorney.
- (5) Town mayor. (Ord. #97-04, Sept. 1997)

13-206. Powers given public officer. The Mayor and Board of Aldermen of the Town of Bruceton hereby authorizes the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate conditions in the municipality 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 examinations, provided that such entries 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.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #97-04, Sept. 1997)

13-207. Service of complaints or orders. Complaints or orders issued by a public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons 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 the town's official newspaper. 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 Office of the Register, Carroll County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lis penden notices provided by law. [Tennessee Code Annotated, § 13-21-105] (Ord. #97-04, Sept. 1997)

13-208. Hearings on complaints or petitions. Whenever a petition is filed with the public officer by a public authority; or by at least five (5) residents of the municipality charging that any structure is dangerous or unfit for human occupation or use; or whenever it appears to the governing body (on his own motion) that any structure is dangerous or unfit for human occupation

or use, the governing body 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 governing body (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts in law or equity shall not be controlling in hearings before the governing body. (Ord. #97-04, Sept. 1997)

13-209. Finding of dangerous or unfit structures. If after such notice and hearing, the governing body determines that the structure under consideration is dangerous or unfit for human occupation or use, then the public officer shall issue and cause to be served upon the owner thereof an order stating that:

(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 (fifty percent [50%] shall be considered a reasonable value) the owner will be required, within the time specified in the order, to repair, alter, or improve such structure to render it safe or fit for human occupation or use, or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (fifty percent [50%] shall be considered reasonable), the owner will be required, within the time specified in the order, to remove or demolish such structure. (Ord. #97-04, Sept. 1997)

13-210. Failure to comply with order. If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. The public officer may cause to be posted on the main entrance of any structure so closed (or on the most publicly visible point of a structure such as a billboard or a fence) a placard with the following words: "This structure or building is dangerous or unfit for human occupation or use, and the utilization of this structure or building for human occupation or use is prohibited and unlawful." (Ord. #97-04, Sept. 1997)

13-211. Removal or demolition by municipality. If the owner fails to comply with an order to remove or demolish the structures, the public officer may cause such structure to be removed or demolished. (Ord. #97-04, Sept. 1997)

13-212. Recovery of cost and placement of liens. 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 a lien against the real property upon which such cost was incurred.

(1) 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 removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer; shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court.

(2) Nothing in this section or chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #97-04, Sept. 1997)

13-213. Allocation of funds for program. The governing body of the municipality shall prepare an estimate of the annual expenses of cost to establish, maintain and administer the program authorized by this chapter, and same shall be allocated and funded as a component of the town's annual general fund budget. (Ord. #97-04, Sept. 1997)

13-214. Applicability. The provisions of this chapter extend to all man-made structures within the municipality, including, but not limited to: residential dwellings or abodes; commercial, business or industrial facilities; storage buildings; barns, sheds, and outbuildings; towers; outdoor advertising signs or billboards, and fences. (Ord. #97-04, Sept. 1997)

13-215. Conflicts. In any case where the provisions of this chapter may be in conflict with the provisions of other chapters of the Bruceton Municipal Code which relate to the regulation of dangerous, unfit or nonconforming buildings or structures, the provisions of the chapter or regulation providing the highest degree of protection to the residents of the municipality shall prevail. (Ord. #97-04, Sept. 1997)

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. GENERAL ZONING PROVISIONS.
3. R-20 (LOW DENSITY RESIDENTIAL) DISTRICTS.
4. R-MF (MULTI-FAMILY) DISTRICTS.
5. B-1 (NEIGHBORHOOD BUSINESS) DISTRICT.
6. B-2 CENTRAL BUSINESS DISTRICT.
7. B-3 GENERAL BUSINESS DISTRICT.
8. M-I (INDUSTRIAL) DISTRICT.
9. AE ADULT ENTERTAINMENT DISTRICT.
10. ADMINISTRATION AND ENFORCEMENT.
11. BOARD OF ZONING APPEALS.
12. TRAILER COACH PARKS.
13. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. 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 for the Town of Bruceton, Tennessee. The planning commission shall consist of six (6) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by a majority vote of the board of mayor and aldermen; the other four (4) 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 four (4) members appointed by the mayor shall be for three (3) years each. The four (4) members first appointed shall be appointed as follows: one for a term of one (1) year; two for a term of two (2) years, and one for a term of three (3) years, so at least one term will expire each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. Members of the planning commission must be freeholders within the

corporate limits of the Town of Bruceton and must reside within the corporate limits of the Town of Bruceton and shall have been a resident of the Town of Bruceton for at least one (1) year. (1982 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with title 13 of the Tennessee Code Annotated, except that the Bruceton City Planning Commission shall not have the authority to contract with city planners or other consultants nor shall they have the power to enter into binding contracts generally without the express prior approval of the mayor and board of aldermen which shall be evidenced by an ordinance duly adopted by the mayor and board of aldermen. (1982 Code, § 11-102)

14-103. Additional powers. The planning commission is empowered and instructed to work and cooperate with the Carroll County Chamber of Commerce and such additional organizations of like nature toward the end of sharing ideas and programs deemed to be in the best interest of the municipality. (1982 Code, § 11-103)

CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION

- 14-201. Purpose.
- 14-202. Definitions.
- 14-203. Official zoning man.
- 14-204. Replacement of official zoning map.
- 14-205. Rules for interpretation of district boundaries.
- 14-206. Application of district regulations.
- 14-207. Non-conforming lots of record.
- 14-208. Non-conforming uses of land.
- 14-209. Non-conforming structures.
- 14-210. Mobile homes and parks.
- 14-211. Government; utility uses permitted.
- 14-212. Servicing, storage, repair, sales of motor vehicles, or salvage thereof.
- 14-213. Schedule of district regulations adopted.

14-201. Purpose. The zoning regulations, zoning map and districts herein set forth are intended to promote the health, safety and general welfare of the community. They have been created to ensure adequate level of service on the town streets, to secure safety from fire and other dangers; to provide adequate light and air; to protect the environment and to avoid undo concentration of population; to facilitate the adequate provision of sewer, water, schools, parks, and other public facilities. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of property and encouraging the most appropriate use of land throughout the town. (Ord. #01-01, Feb. 2001)

14-202. Definitions. For the purposes of chapters 2 through 10 of this title, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is mandatory, the word "may" is permissive.
- (4) The words "used" or "occupied" include the words "intended, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot or parcel."
- (6) "Accessory use or structure." A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(7) "Dwelling, townhouse." Three or more one family residential units having exclusive, direct access for each unit from the ground to the first floor from the front (or side for end units) and with common walls separating the units.

(8) "Dwelling, two-family." A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

(9) "Dwelling, single-family." A detached residence designed for or occupied by one family only.

(10) "Dwelling, multi-family." A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(11) "Dwelling, multi-family apartment." A residential building designed or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided, not of townhouse design and with one or more common entrances.

(12) "Family." One or more persons occupying a single non-profit housekeeping unit.

(13) "Height of structure or building." The vertical distance measured from the mean elevation of the proposed finished grade line at the front of the structure to the highest point on the roof for flat roofs, to the deck line of a mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs. This shall not include elevator shafts, roof HVAC units, chimneys or cupolas or other similar structures.

(14) "Lot." A piece, parcel, or plat of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and otherwise in conformance with this chapter.

(15) "Lot frontage." The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yard" in this section.

(16) "Lot measurements." (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear.

(b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each yard, provided, however, that width between side lot lines at their forepoints (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of the cul-de-sacs, where the 80 percent requirements shall not apply.

(17) "Manufactured home." This term means a structure which is transportable and which is described in Tennessee Code Annotated Title 68, Chapter 126, Section 202. Any manufactured home placed in the Town,

however, must be on a solid foundation, anchored, and underpinned with brick, blocks, stone or a like material.

(18) "Lot of record." A lot which is part of a subdivision recorded in the office of the register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(a) "Corner lots." A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

(b) "Interior lot." A lot other than a corner lot with only one frontage on a street other than an alley.

(c) "Through lot." A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as "double frontage" lots.

(d) "Reversed frontage lot." A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

(19) "Mobile home." A mobile home is a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels on a single chassis or on flatbed or other trailers or detachable wheels, but not including "manufactured homes" and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundation, connection to utilities and the like.

(20) "Mobile home park." A portion or parcel of land designed for or which is intended to be used to accommodate two (2) or more mobile homes.

(21) "Sexually oriented business." A business or commercial enterprise which includes any or all of the following: adult arcade, adult bookstore or video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(22) "Special exception." A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such district as special exceptions, if specific provision for such special exceptions is made in the individual district regulations.

(23) "Street line." The right-of-way line of a street.

(24) "Structure." Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

(25) "Variance." A variance is a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment of a use otherwise not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

(26) "Yard." A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, decks and other customary yard accessories, as well as accessory buildings may be permitted in any rear yard.

(27) "Yard, front." A yard extending between side lot lines across the front of a lot.

In the case of corner lots with more than two frontages, the mayor shall determine the front yard requirements, subject to the following limitations:

(a) At least one front yard shall be provided having the full depth required generally in the district;

(b) No other front yard on such lots shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

(28) "Yard, side." A yard extending from the rear line of the required front yard to the rear lot line.

In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards.

Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

(29) "Yard, rear." A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half depth front yard.

Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear line of a required rear yard shall be parallel to the straight line so established. (Ord. #01-01, Feb. 2001)

14-203. Official zoning map. The town is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title.

The official zoning map shall be identified by the signature of the mayor, attested by the city recorder, and bearing the seal of the town under the following words: "This is to certify that this is the official zoning map referred to in § 14-203 of the Bruceton Municipal Code," together with the date of the adoption of this title.

If, in accordance with the provisions of this title and Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the board of mayor and aldermen, together with an entry on the official zoning map as follows: "On _____, _____, by official action of the board of mayor and aldermen, the following changes were made in the official zoning map."

The amending ordinance shall provide that such changes or amendments shall not become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided under the general penalty clause for this code.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city recorder shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town. (Ord. #01-01, Feb. 2001)

14-204. Replacement of official zoning map. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the board of mayor and aldermen may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map

shall be identified by the signature of the mayor, attested by the city recorder, and bearing the seal of the town under the following words: "This is to certify that this official zoning map supersedes and replaces the official map adopted _____, _____, as part of title 14 of the Bruceton Municipal Code." (Ord. #01-01, Feb. 2001)

14-205. Rules for interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (2) Boundaries indicated, as approximately following platted lot lines, shall be construed as following such lot lines;
- (3) Boundaries indicated, as approximately following town limits, shall be construed as following town limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated, as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines;
- (6) Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map, shall be determined by the scale of the map.
- (7) Where other circumstances not covered by subsections 1 through 6 above exist to cause a zoning district boundary to be uncertain, the board of zoning appeals shall interpret the district boundaries. (Ord. #01-01, Feb. 2001)

14-206. Application of district regulations. The regulations set forth by chapters 2 through 10 of this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- (2) No building or other structure shall hereafter be erected or altered:
 - (a) To exceed the height;
 - (b) To accommodate or house a greater number of families;
 - (c) To occupy a greater percentage of lot areas; or
 - (d) To have narrower or smaller yards, or other open spaces than herein required, or in any other manner contrary to the provisions of chapters 2 through 10 of this title.

(3) No yard or lot existing at the time of passage of chapters 2 through 10 of this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards of lots created after the effective date of chapters 2 through 10 of this title shall meet at least the minimum requirements established by chapters 2 through 10 of this title.

All territory which may hereafter be annexed to the town shall be considered to be zoned in the same manner as the contiguous territory inside previous town limits until otherwise classified. (Ord. #01-01, Feb. 2001)

14-207. Non-conforming lots of record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of chapters 2 through 10 of this title, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of chapters 2 through 10 of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of chapters 2 through 10 of this title, and if all or part of the lots do not meet the requirements for lot width and area as established by chapters 2 through 10 of this title, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by chapters 2 through 10 of this title, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in chapters 2 through 10 of this title. (Ord. #01-01, Feb. 2001)

14-208. Non-conforming uses of land.

(1) Where, at the effective date of adoption or amendment of chapters 2 through 10 of this title and except as otherwise set forth herein, lawful use of land exists that is made no longer permissible under the terms of chapters 2 through 10 of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful, provided that such use shall not be extended to adjoining property not in the same ownership as the parcel which contains the non-conforming use at the time said use becomes lawful.

(2) Where buildings and structures located on land are presently lawful in accordance with the yard, lot size, and building set-back requirements of chapters 2 through 10 of this title, but would be rendered unlawful due to alterations in rights of way for streets and alleys which are instituted by or expressly approved by the Town of Bruceton, whether by condemnation or

acceptance of right of way conveyance, the yard, lot size and building set-back requirements of chapters 2 through 10 of this title shall not be applied and enforced to prohibit or otherwise decree as unlawful such buildings and structures. Nothing herein shall be construed so as to permit any building or structure to be erected after such an alteration in violation of the provisions of chapters 2 through 10 of this title. (Ord. #01-01, Feb. 2001)

14-209. Non-conforming structures. Where a lawful structure exists at the effective date of adoption or amendment of chapters 2 through 10 of this title that could not be built under the terms of chapters 2 through 10 of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful. (Ord. #01-01, Feb. 2001)

14-210. Mobile homes and parks. The location of mobile homes and mobile home parks for dwelling purposes are prohibited in all zoning districts within the Town of Bruceton. All existing mobile home parks or lots upon which mobile homes presently exist may remain provided said park or lot does not remain vacant for more than 3 months. Should said lot or lot within a mobile home park remain vacant for 3 months without a mobile home on it, no new mobile home shall replace same unless of a model year manufactured in the year of or year preceding the calendar year in which the lot becomes vacant. Any mobile home will be anchored to the ground and underpinned. (Ord. #01-01, Feb. 2001)

14-211. Government; utility uses permitted. Uses conducted by the federal, state or local government shall be permitted in all districts, as well as all utility installations, structures, appurtenances intended to benefit existing or proposed uses within the Town of Bruceton. (Ord. #01-01, Feb. 2001)

14-212. Servicing, storage, repair, sales of motor vehicles, or salvage thereof. Notwithstanding the provisions of Section 14-208, the following limitations shall apply to structures and uses involving the servicing, storage, repair, sales, or salvaging of motor vehicles:

(1) No public street, parking area, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles.

(2) No operation in connection with such establishments shall be carried on in a way which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.

(3) All motor vehicles being handled, stored or repaired by such establishments shall be maintained in such condition that they may be moved

under their own power at any time except such vehicles as may be under repair in garages or other buildings as provided in item (4), below.

(4) No repair of motor vehicles or parts thereof shall be made except within garages, service stations, body shops or other buildings used for such purposes.

(5) Any repair business that does not have adequate building space to store vehicles not presently being worked upon must have an area fenced with six foot fencing, such that said vehicles cannot be seen. Said fence shall be no closer than three (3) feet from the nearest street and shall be erected so as not to impede traffic.

(6) There shall be no salvage yards or operation of a salvage yard in Bruceton. Any vehicle kept by an owner for parts or to be later repaired must be in a building or behind a fence as in (5) above.

(7) Any nonconforming use pursuant to this section shall be brought into compliance within six (6) months of the effective date of the ordinance. (Ord. #01-01, Feb. 2001)

14-213. Schedule of district regulations adopted. District regulations shall be as set forth in the schedule of district regulations, hereby adopted by reference and declared to be part of chapters 2 through 10 of this title For the purpose of chapters 2 through 10 of this title and as shown on the official zoning map, Bruceton, Tennessee, is hereby divided into the following districts:

R-20 District - (Low Density Residential)

R-MF District - (Multi-family Residential)

B-1 District - (Neighborhood Business)

B-2 District - (Central Business)

B-3 District - (General Business)

M-1 District - (Industrial)

AE District – (Adult Entertainment) (Ord. #01-01, Feb. 2001)

CHAPTER 3

R-20 (LOW DENSITY RESIDENTIAL) DISTRICTS

SECTION

- 14-301. R-20 (Low Density Residential Districts).
- 14-302. Uses permitted.
- 14-303. Uses permissible by special exception.
- 14-304. Minimum lot requirements.
- 14-305. Yard requirements.
- 14-306. Maximum height.
- 14-307. Minimum off-street parking requirements.
- 14-308. Signs and billboards.

14-301. R-20 (Low Density Residential Districts). Within the R-20 districts as designated on the official zoning map, the following regulations shall apply. (Ord. #01-01, Feb. 2001)

- 14-302. Uses permitted.** Uses permitted shall include the following:
- (1) Single-family detached dwellings, excluding mobile homes.
 - (2) Private elementary and high schools having courses of study approximately the same as public elementary and high schools.
 - (3) Churches and other places of worship, including Sunday schools.
 - (4) Parks, playgrounds and play fields.
 - (5) Farms, nurseries, truck gardens, greenhouses and other customary agricultural uses and structures.
 - (6) The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two.
 - (7) Private garages, tool sheds, and other accessory uses and structures customarily incidental to residential or other permitted uses when located on the same property with the following provisions:
 - (a) Except for attached private garages, all accessory buildings shall be located behind the main building and further provided that on no lot shall any structure be built closer than five (5) feet to any lot line.
 - (b) Customary home occupations, such as the offices of physicians, architects, or engineers, child care up to five children not related to the occupant of the home, tailor, beauty or barbershop limited to a maximum of two chairs, or artist's studios as well as similar uses as determined by the mayor, subject to appeal to the board of zoning appeals, are permitted provided that:
 - (i) Such occupation shall be carried on within the home;
 - (ii) Not more than two persons not a resident of the premises shall be employed;

(iii) Such occupation shall be clearly incidental and secondary to the use of the building for residential purposes and shall in no event constitute more than 25 % of the total floor area of the home;

(iv) The external appearance of the dwelling shall not be changed as a result of the conduct of the occupation, and there shall be no external evidence of such occupation on the buildings or grounds except that a small professional notice or sign, not exceeding ten square feet in area, may be mounted against the side of the dwelling and may not be illuminated. (Ord. #01-01, Feb. 2001)

14-303. Uses permissible by special exception. After public notice and hearing, submission and approval of a site plan and subject to appropriate conditions and safeguards, the board of zoning appeals may permit by special exception:

- (1) Golf courses,
- (2) Cemeteries,
- (3) Temporary structures and field offices, provided that such permit shall not be for a term of more than one year.
- (4) Private clubs, and lodges, excepting those which are open to the public at large for commercial purposes more than once per month, without adult entertainment.
- (5) Commercial kennels. (Ord. #01-01, Feb. 2001)

14-304. Minimum lot requirements. Minimum lot requirements shall be:

- (1) Lot area: 20,000 sq. ft. - dwellings.
- (2) Lot width: 120 ft.- dwellings.
- (3) Lot area: one acre - churches.
- (4) Lot area: five acres plus one acre for each 100 students - schools.
- (5) Lot area as determined by the board of zoning appeals - Special exception uses. (Ord. #01-01, Feb. 2001)

14-305. Yard requirements. Required front and side yards shall be free of accessory buildings. The following minimum yard dimensional requirements shall apply:

- (1) Front yard (dwellings) - 30 ft. measured from the right-of-way.
- (2) Front yard (other uses) - 40 ft. measured from the right-of-way or more, if required by the board of zoning appeals.
- (3) Rear yard (dwellings) - 20 ft.
- (4) Rear yard (other uses) - 30 ft. or more, if required by the board of zoning appeals.
- (5) Side yard (dwellings) - 12 ft.

(6) Side yard (other uses) - 30 ft. or more, if required by the board of zoning appeals. (Ord. #01-01, Feb. 2001)

14-306. Maximum height. Maximum height shall be:

(1) Residence: The greater of 35 feet or 2 stories.

(2) Other permitted structures: The lesser of 35 feet or 2 stories.

(Ord. #01-01, Feb. 2001)

14-307. Minimum off-street parking requirements. Minimum off-street parking requirements shall be as follows:

(1) Dwellings: Two off-street parking spaces for each dwelling unit.

(2) Schools: One off-street parking space for each staff member, plus one off-street parking space for each ten (10) fixed seats in auditoriums or for each 100 square feet of floor space in assembly rooms with movable seats.

(3) Churches, Sunday schools: One off-street parking space for each five (5) fixed seats or for each 50 square feet in assembly rooms with movable seats.

(4) Public and private non-residential buildings: One off-street parking space for each regular employee plus adequate parking space for public use or for private use based on membership as determined by the mayor. (Ord. #01-01, Feb. 2001)

14-308. Signs and billboards. No signs, billboards, posters, bulletin boards or other similar matter shall be permitted except as follows:

(1) Announcements and professional signs as provided for in connection with home occupations.

(2) Only one sign, not exceeding 10 square feet in area to advertise the premises on which such sign is displayed for sale, rent or lease, provided that such sign shall not be placed closer than ten (10) feet to any property line.

(3) One bulletin board, not to exceed 100 square feet in area, may be erected by any church.

(4) Official public notices may be erected at appropriate locations on property affected. (Ord. #01-01, Feb. 2001)

CHAPTER 4

R-MF (MULTI-FAMILY) DISTRICTS

SECTION

- 14-401. R-MF Multi-family Districts.
- 14-402. Uses permitted.
- 14-403. Uses permissible by special exception.
- 14-404. Minimum lot requirements.
- 14-405. Maximum height.
- 14-406. Minimum off-street parking requirements.
- 14-407. Signs and billboards.
- 14-408. Supplemental regulations.

14-401. R-MF Multi-family Districts. Within the R-MF Districts as designated on the official zoning map, the following regulations shall apply. (Ord. #01-01, Feb. 2001)

14-402. Uses permitted. Any structure or use permitted in R-20 districts shall be permitted, and in addition the following uses shall be permitted:

- (1) Two-family dwellings.
- (2) Townhouses.
- (3) Tourist homes, not exceeding the use of three bedrooms and a total of nine guests for that purpose.
- (4) Any accessory use or building customarily incidental to the above permitted uses. (Ord. #01-01, Feb. 2001)

14-403. Uses permissible by Special Exception. After public notice and hearing, and submission and approval of a site plan and subject to appropriate conditions and safeguards, the board of zoning appeals may permit:

- (1) Multi-family apartment dwellings or any multifamily dwelling exceeding seven units per acre, but not to exceed 16 units per acre and subject to the minimum conditions set forth in this chapter.
- (2) Uses permitted by special exception in the R-20 district.
- (3) Single family uses, subject to the same regulations and standards set forth in the R-20 district, except that the minimum lot area shall be 12,000 square feet, and required yard dimensions may be proportionally reduced. (Ord. #01-01, Feb. 2001)

14-404. Minimum lot requirements. Minimum lot requirements shall be:

- (1) Lot area: 5,000 square feet per unit - two family dwellings.

- (2) Lot width: 40 feet per unit- two family dwellings.
- (3) Lot area: 3,500 square feet per unit- town house dwellings.
- (4) Lot width: 25 square feet per unit- town house dwellings.
- (5) Lot area: One acre - multi-family apartments. (Ord. #01-01, Feb. 2001)

14-405. Maximum height. Maximum height shall be as follows:

- (1) Residences, permitted: same as for the R-20 district.
 - (2) Other permitted uses: same as for the R-20 district.
 - (3) Residences, special exception: the greater of 35 ft. or two stories.
- (Ord. #01-01, Feb. 2001)

14-406. Minimum off-street parking requirements. Minimum off-street parking requirements shall be as follows:

- (1) Two family dwellings: same as for the R-20 district.
- (2) Town houses: 2.5 parking spaces for each dwelling unit.
- (3) Multi-family apartments: 1.5 spaces for each two bedroom unit and two spaces for each three bedroom or greater units. (Ord. #01-01, Feb. 2001)

14-407. Signs and billboards. Regulations concerning signs and billboards for this district shall be the same as for the R-20 district, and in addition, not more than two signs with a total area of not more than six square feet for any one establishment may be placed, indicating the name and nature of the establishment and the kind of accommodations offered. Such sign may be mounted on the front or side of establishment, or in front or side yards, provided that no sign shall be placed closer than ten feet to any property line. (Ord. #01-01, Feb. 2001)

14-408. Supplemental Regulations. In addition to all other regulations and general provisions of this title which apply to this district the following supplemental regulations shall also govern the designated uses:

- (1) Dwellings, two family - Exterior front elevations shall be a minimum 50% masonry, metal or stucco type material.
- (2) Dwellings, townhouse - No more than eight units shall be connected via a common firewall and all units shall have a front and rear yard with first floor access from both. Exterior architectural details shall vary by unit and no more than two connecting roof elevations shall be of the same height or design. Developments shall set aside a minimum of 0 .5 acre of improved common land for active and passive recreation available to all apartment residents and open space purposes for each 48 units. Front elevation materials shall be a minimum 50% masonry, metal or stucco type material. Off street parking shall be adequately landscaped as determined by the mayor or his designee.

(3) Multi-family apartments approved by special exception - In addition to any conditions or requirements imposed by the board of zoning appeals, no more than 16 units per acre shall be permitted. A minimum of 0.5 acre of improved common land for active and passive recreation available to all apartment residents shall be provided for the first 16 units with an additional 0.5 acre for each additional 32 units. At least one half of the building exterior shall be of masonry, metal or stucco. No more than 32 units per building shall be permitted. Off street parking areas and common grounds shall be adequately landscaped in accordance with the site plan approved by the board of zoning appeals. Buffer and screened areas adjacent to any land used or zoned for single family residential purposes shall also be provided to the satisfaction of the board of zoning appeals. (Ord. #01-01, Feb. 2001)

CHAPTER 5

B-1 (NEIGHBORHOOD BUSINESS) DISTRICT

SECTION

- 14-501. B-1 (Neighborhood Business) District.
- 14-502. Uses permitted.
- 14-503. Uses permissible by special exception.
- 14-504. Minimum lot requirements.
- 14-505. Minimum yard requirements.
- 14-506. Maximum height.
- 14-507. Minimum off-street parking and off-street loading.
- 14-508. Signs.

14-501. B-1 (Neighborhood Business) District. Within the B-1 District as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-502. Uses permitted. The following uses shall be permitted:

- (1) Neighborhood retail stores and markets, including the following types of stores: food; package beer; general merchandise; apparel; furniture; household and hardware; radio and television; drug and sundries; jewelry and gifts; florists; sporting goods; and similar uses.
- (2) Neighborhood services including the following: barber and beauty shops; shoe repair; eating and drinking establishments, private clubs and lodges and similar uses, all without adult entertainment.
- (3) Professional offices, financial institutions, vegetarians, and medical clinics.
- (4) Any accessory use or building customarily incidental to the above permitted uses.
- (5) Car Washes and Service stations for automobiles, provided there is no major automobile repair.
- (6) Self-service laundry and dry cleaning establishments.
- (7) Residential use incidental to any lawful commercial use.
- (8) Childcare centers.
- (9) Churches or other places of worship.
- (10) Private Schools. (Ord. #01-01, Feb. 2001)

14-503. Uses permissible by special exception. Upon application and following public notice and hearing, subject to appropriate safeguards and conditions and submittal and approval of a site plan, the board of zoning appeals may permit the following uses:

- (1) Light industry, permitted in the M-1 zoning district, where the proposed use, in the opinion of the board of zoning appeals, will not be

detrimental to the area in which it is located. In determining the suitability of the proposed use, the board of zoning appeals may study the particular nature of the use with regard to parking, emergency services, employment, environmental conditions such as noise, smoke, gas, vibrations, fumes, dust or other objectionable conditions, storage of combustible materials and such other factors as may, under the circumstances, be pertinent to whether the proposed use is compatible with the surrounding area. Any such light industry permitted shall be subject to the minimum requirements of the M-1 zoning district and such other conditions imposed by the board of zoning appeals to ensure these uses are compatible with the B-1 zoning district.

- (2) New and used automobile and truck sales. (Ord. #01-01, Feb. 2001)

14-504. Minimum lot requirements. It is the intent of this title that lots of sufficient area and width be required for any business or service use to provide adequate parking and loading space in addition to the space required for the normal operations of the business or service, as determined by the mayor and subject to appeal to the board of zoning appeals. (Ord. #01-01, Feb. 2001)

14-505. Minimum yard requirements. Minimum yard requirements shall be:

- (1) Front: 20 feet.
- (2) Rear: 20 feet.
- (3) Side: None, except wherever this district adjoins a residential district or use without an intervening street or alley, a screened buffer strip of 20 ft. shall be provided on the side adjoining the residential district. (Ord. #01-01, Feb. 2001)

14-506. Maximum height. Maximum height shall be 35 feet or 2 stories which ever is greater. (Ord. #01-01, Feb. 2001)

14-507. Minimum off-street parking and off-street loading. Minimum off-street parking and off-street loading requirements shall be as follows:

- (1) Restaurants: one off-street parking space per 100 square feet of gross floor area.
- (2) Commercial and personal services, offices: one off-street parking space per 200 square feet of gross floor area. Adequate off-street loading space shall be provided so that no part of any commercial vehicle shall encroach upon any street, alley, sidewalk, or public way during loading, unloading, or servicing operations. (Ord. #01-01, Feb. 2001)

14-508. Signs. Signs are permitted subject to the following limitations:

- (1) All signs except those erected by governmental agencies shall be erected on private property and shall not encroach upon or over any public

street, walk, alley or way. Provided that such signs when approved by the town may be erected to overhang a public walk at a height not less than nine feet.

(2) No red, blue or green illumination in connection with any sign or means of attracting attention to any establishment shall be so located as to create the possibility of confusion with any traffic signal, and the chief of police shall be consulted in any case where a question of this kind arises before any permit for the erection of such sign or illumination shall be granted. (Ord. #01-01, Feb. 2001)

CHAPTER 6

B-2 CENTRAL BUSINESS DISTRICT

SECTION

- 14-601. B-2 Central Business District.
- 14-602. Uses permitted.
- 14-603. Uses permissible by special exception.
- 14-604. Minimum lot requirements.
- 14-605. Maximum height.
- 14-606. Signs.

14-601. B-2 Central Business District. Within the B-2 (Central Business) District as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-602. Uses permitted. Any structure or use permitted in B-1 District (except for gasoline service stations, car washes and child care centers) shall be permitted and in addition:

- (1) Hotels, motels, and tourist homes.
- (2) Recreational structures and uses, including theaters, billiard rooms, and auditoriums.
- (3) Business or commercial schools.
- (4) Bus stations.
- (5) Mortuaries and Funeral Homes.
- (6) Customary accessory uses and structures. (Ord.#01-01, Feb. 2001)

14-603. Uses permissible by Special Exception. After public notice and hearing, submittal and approval of a site plan and subject to appropriate safeguards and conditions, the board of zoning appeals may permit child care centers and new and used automobile dealers. In addition, new construction or conversion of an existing building to multi-family residential/apartment uses or mixed business -multi-family residential uses may be permitted.

When reviewing applications for such residential uses, the board of zoning appeals shall consider the overall effect of the proposal to the area and surrounding properties so that there will not be a detrimental effect to the stability and viability of the business district.

In determining the effect of the proposal to the area, the board of zoning appeals shall consider at a minimum the number of units proposed, availability of off-street parking, provisions for solid waste storage, availability of utilities, compatibility with adjacent uses and the town's capacity to respond effectively to emergencies.

In addition, the following conditions must also be met:

- (1) Floor plans must be submitted to the board of zoning appeals.

(2) Off-street parking must be provided at a ratio of 1 space per unit, located within a reasonable walking distance, and designed so that no vehicle is required to back onto a public thoroughfare. Shared parking, with existing commercial uses may be considered.

(3) A minimum square footage per dwelling unit of 500 square feet for a one-bedroom unit, 675 square feet for a two-bedroom unit, and 900 square feet for a three-bedroom unit must be provided. (Ord. #01-01, Feb. 2001)

14-604. Minimum lot requirements. The intent of this chapter is to require lots of sufficient area and width for any business or service use to provide adequate parking (in conjunction with on street parking and any public parking facilities) and loading space in addition to the space required for the normal operations of the business or service, as determined by the mayor, and subject to appeal to the board of zoning appeals. There are no minimum yard requirements. (Ord. #01-01, Feb. 2001)

14-605. Maximum height. Maximum height shall be the greater of 35 ft. or 2 stories. (Ord. #01-01, Feb. 2001)

14-606. Signs. Regulations regarding signs shall be the same as for the B-1 district, except that projecting signs which do not interfere with pedestrian access may encroach on public right-of way, subject to written approval of the mayor. (Ord. #01-01, Feb. 2001)

CHAPTER 7

B-3 GENERAL BUSINESS DISTRICT

SECTION

- 14-701. B-3 General Business District.
- 14-702. Uses permitted.
- 14-703. Uses permissible by special exception.
- 14-704. Minimum lot requirements.
- 14-705. Minimum yard requirements.
- 14-706. Maximum height.
- 14-707. Minimum off-street parking and off-street loading requirements.
- 14-708. Signs.

14-701. B-3 General Business District. Within the B-3 district as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-702. Uses permitted. Any structure or use permitted in the B-2 district shall be permitted, and in addition:

- (1) Service stations and car washes.
- (2) Stores specializing in second-hand merchandise.
- (3) Storage warehouses including self-storage.
- (4) New and/or used automobile/truck sales.
- (5) Child care centers.
- (6) Automobile repair, where any outside storage of vehicles is properly screened from adjacent uses and the public right-of-way.
- (7) Retail sales of building materials and supplies, including outdoor storage.
- (8) Retail sales of farm supplies including feeds, fertilizers, farm equipment, and similar products normally associated with the farm supply business. (Ord. #01-01, Feb. 2001)

14-703. Uses permissible by special exception. After public notice and hearing, submittal and approval of a site plan and subject to appropriate conditions and safeguards, the board of zoning appeals may permit:

- (1) Light industry permitted in the M-1 zoning district under the same conditions and criteria set forth for light industry special exceptions in the B-1 zoning district.
- (2) Mobile home sales. (Ord. #01-01, Feb. 2001)

14-704. Minimum lot requirements. Minimum lot requirements shall be the same as for the B-1 district. (Ord. #01-01, Feb. 2001)

14-705. Minimum yard requirements. Minimum yard requirements shall be:

- (1) Front: 20 feet.
- (2) Rear: 20 feet.
- (3) Side: 20 feet required except whenever a lot in this district adjoins a residential district or use without an intervening street or alley, a screen acceptable to the mayor shall be provided within the required side yard.(Ord. #01-01, Feb. 2001)

14-706. Maximum height. Maximum height shall be the greater of 35 feet or 2 stories. (Ord. #01-01, Feb. 2001)

14-707. Minimum off-street parking and off-street loading requirements. Regulations regarding parking and off-street loading shall be the same as for the B-1 zoning district. (Ord. #01-01, Feb. 2001)

14-708. Signs. Regulations regarding signs and billboards shall be the same as for B-1 zoning district. (Ord. #01-01, Feb. 2001)

CHAPTER 8

M-I (INDUSTRIAL) DISTRICT

SECTION

14-801. M-I (Industrial) District.

14-802. Uses permitted.

14-803. Yards, street access and frontage, lot coverage, off-street parking requirements

14-804. Maximum height.

14-805. Signs and billboards.

14-801. M-I (Industrial) District. Within the M-1 district as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-802. Uses permitted. Any use permitted in the B-3 district except child care centers shall be permitted and in addition:

(1) Services: animal hospital, medical clinics, truck terminals, printing, pest exterminators, sign fabrication, upholstery repair, sheet metal shops.

(2) Manufacturing, processing or fabrication: canned or preserved fruits or vegetables, other food processing, bakery, bottling plants, apparel and other finished products made of fabrics, cotton gin, drug manufacturing, glass products, assembly of various products, and jewelry and plated ware and similar uses as determined by the mayor and subject to appeal before the board of zoning appeals.

(3) Research and development and laboratories.

(4) Accessory uses customarily incidental to any aforementioned permitted use. (Ord. #01-01, Feb. 2001)

14-803. Yards, street access and frontage, lot coverage, off-street parking requirements.

(1) No principal or accessory building above grade shall be located less than 200 feet from the boundary of any residential zone or use, unless a year around screen is provided satisfactory to the mayor.

(2) No parking area, loading or maneuvering area shall be located less than 100 feet from the boundary of any residential zone or use, unless a year around screen is provided satisfactory to the mayor.

(3) No principal or accessory building, parking or maneuvering area shall be located less than 50 feet from the street right of way.

(4) Not more than sixty percent of the area of the lot may be covered by buildings, including accessory buildings.

(5) Off-street parking for uses specifically mentioned in this chapter shall be provided at a minimum of one parking space for each one and one-half employees, or one for each two employees on combined major and second shifts, and in addition one visitor parking space for every 20 employees, except that the mayor may grant fewer visitor parking spaces if he finds that a fewer number will be sufficient for the operation anticipated. Off street parking for uses permitted in other districts as well as the M-1 district shall follow the parking requirements of the district in which it is first mentioned. (Ord. #01-01, Feb. 2001)

14-804. Maximum height. Maximum height shall be the lesser of 35 feet or 2 stories. (Ord. #01-01, Feb. 2001)

14-805. Signs and billboards. Requirements for signs shall be the same as for the B-3 zoning district. (Ord. #01-01, Feb. 2001)

CHAPTER 9

AE ADULT ENTERTAINMENT DISTRICT

SECTION

14-901. Adult entertainment district.

14-902. Uses permitted.

14-903. Minimum lot requirements.

14-904. Minimum yard requirements, maximum height, parking and signage.

14-901. Adult Entertainment District. Within the AE district as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-902. Uses permitted. Any structure or use permitted in the B-3 District (except schools, child care centers, mortuaries and funeral homes and churches) as well as adult sexually oriented businesses as that term is defined by this ordinance and other provisions of the Bruceton Municipal Code, all without the use or consumption of alcohol. (Ord. #01-01, Feb. 2001)

14-903. Minimum lot requirements. Minimum lot requirements shall be the same as for the B-1 district. (Ord. #01-01, Feb. 2001)

14-904. Minimum yard requirements, maximum height, parking and signage. Requirements are the same as for the M-1 district, except as to off street parking which shall be provided at a minimum of one space per employee and in addition a minimum of one visitor spot for every employee. (Ord. #01-01, Feb. 2001)

CHAPTER 10

ADMINISTRATION AND ENFORCEMENT

14-1001. Administration and enforcement. The mayor shall administer and enforce this title. He may be provided with the assistance of such other persons as the board of mayor and aldermen may authorize in the annual budget.

If the mayor shall find that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this title to insure compliance with or to prevent violation of its provisions. Nothing herein shall be construed as to prohibit or limit the mayor from first seeking voluntary compliance with this title. (Ord. #01-01, Feb. 2001)

14-1002. Zoning permits required. No building or other structure shall be erected, or enlarged without a zoning permit therefor, issued by the mayor to verify that the proposed work is in compliance with this title. (Ord. #01-01, Feb. 2001)

14-1003. Application for zoning permit. All applications for zoning permits shall be accompanied by plans in duplicate, showing the actual dimensions and shape of the lot to be built upon; the exact size and locations on the lot of buildings already existing, if any; and the locations and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the mayor, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determined conformance with, and provide for the enforcement of this title.

The mayor shall return one copy of the plans to the applicant after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy within five (5) business days of such submission. If disapproved the mayor shall detail the reasons for denial. The second copy of the plans, similarly marked, shall be retained by the codes enforcement officer. (Ord. #01-01, Feb. 2001)

14-1004. Site plan regulations. It is the general purpose and intent of this section to require site plans for all new developments or redevelopments

of commercial, industrial, and multi-family (exceeding 7 units per acre) residential uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the town. These plans shall be approved by the mayor prior to the issuance of a zoning permit. Site plans for small additions to existing buildings shall be exempt from review when, in the opinion of the mayor, the addition will not adversely affect the general purpose and intent of these regulations. The site plan shall be prepared by a licensed engineer, architect, landscape architect, or surveyor and include the following information unless waived by the mayor as unnecessary to ensure the compliance of the proposed project with this title:

- (1) Topography of existing and finished grades at two (2) foot intervals.
- (2) Location of areas as defined by the codes enforcement officer that are subject to flooding. Site plan shall include a storm water drainage plan.
- (3) Location of existing buildings, streets, sidewalks, easements and rights-of-way, and covenants.
- (4) Include a plan for vehicular and pedestrian circulation.
- (5) Location of all structures including signs. Sign details shall include elevation drawings.
- (6) Utility plans for water, sewer, and power. Power service connections shall be located at the rear of the structure or structures, where feasible.
- (7) Plans for landscaping, screening, open space and ingress-egress points. If applicable, the landscaping plan shall include design details for off-street parking areas with the following information:
 - (a) Street frontage.
 - (b) Interior landscaping.
 - (c) Perimeter landscaping.
 - (d) The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.
 - (e) The plan shall contain a description of any plants and material proposed for use.
 - (f) The landscaping shall be permanently maintained.
 - (g) A plan for frontage or parallel access street, if applicable.
- (8) General requirements of a north arrow, a scale of not less than 1"=20 feet, a location map, acreage of site, location of solid waste collection points, and any other information deemed pertinent by the mayor. (Ord. #01-01, Feb. 2001)

14-1005. Certificates of zoning compliance for new or changed uses. It shall be unlawful to use or occupy or permit the use or occupancy of any commercial building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered in its use until a certificate of zoning compliance shall have been issued therefor by the mayor

stating that the proposed use of the building or land conforms to the requirements of this title.

The mayor shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this chapter and punishable under the general penalty clause for this code. (Ord. #01-01, Feb. 2001)

14-1006. Expiration of zoning permit. If the work described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the mayor, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained. (Ord. #01-01, Feb. 2001)

14-1007. Fees, charges, and expenses. Regulations concerning fees in connection with zoning permits, certificates of zoning compliance, application for zoning map amendment and any application before the board of zoning appeals shall be established from time to time by the board of mayor and aldermen by resolution and posted in the office of the city recorder. Fees must be paid in full before any of the aforementioned applications may be processed. (Ord. #01-01, Feb. 2001)

14-1008. Amendments. The regulations, restrictions and boundaries set forth in chapters 2 through 10 of this title may from time to time be amended, supplemented or changed; provided, however, that no such action may be taken until each proposed change be first submitted to and approved by the planning commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the board of mayor and aldermen. If the planning commission neither approves or disapproves such proposed amendment within sixty days after such submission, the action on such amendment by said commission shall be deemed approval. Before enacting any amendment, the board of mayor and aldermen shall hold a public hearing thereon, at least fifteen days notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Bruceton.

Amendments to the zoning map may also be proposed by the owner of property to be affected. The agent or option holder with signature from the current owner may alternatively file. No such action shall be initiated affecting the same parcel at less than twelve month intervals.

Each such application shall be accompanied by the following:

- (1) A plat prepared by a competent professional showing in accurate dimensions all property lines, adjoining streets and location of all structures.
- (2) Other pertinent information requested by the planning commission or board of mayor and aldermen. (Ord. #01-01, Feb. 2001)

14-1009. Violations and penalties. Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements, shall upon conviction thereof be punished in accordance with the general penalty clause for this code. (Ord. #01-01, Feb. 2001)

CHAPTER 11

BOARD OF ZONING APPEALS

SECTION

- 14-1101. Board of zoning appeals; composition, terms, removal, and filling vacancies.
- 14-1102. Proceedings of the board of zoning appeals.
- 14-1103. Appeals; hearing and notice.
- 14-1104. Appeal stays proceedings.
- 14-1105. Powers and duties of the board of zoning appeals.
- 14-1106. Decisions of the board of zoning appeals.
- 14-1107. Appeals.
- 14-1108. Duties of mayor and board of zoning appeals.

14-1101. Board of zoning appeals; composition, terms, removal, and filling vacancies. A board of zoning appeals is hereby established, which shall consist of five members serving staggered terms, to be appointed by the board of mayor and aldermen. The term of membership shall be three years, except that the initial individual appointments to the board shall be one member for one year, two members for two years, and two members for three years. Members of the board of zoning appeals may be removed from office by the board of mayor and aldermen for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the board of mayor and aldermen for the unexpired term of the member affected. (Ord. #01-01, Feb. 2001)

14-1102. Proceedings of the board of zoning appeals. The board of zoning appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this title. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board. (Ord. #01-01, Feb. 2001)

14-1103. Appeals; hearing and notice. Appeals to the board of zoning appeals concerning interpretation or administration of this title may be taken by any person aggrieved. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the board, by filing with the mayor and with the board of zoning appeals a notice

of appeal specifying the grounds thereof. The mayor shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

The board of zoning appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. (Ord. #01-01, Feb. 2001)

14-1104. Appeal stays proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the mayor certifies to the board of zoning appeals after the notice of appeal is filed with him, that by reason of facts stated in said certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by a court of record. (Ord. #01-01, Feb. 2001)

14-1105. Powers and duties of the board of zoning appeals. The board of zoning appeals shall have the following powers and duties:

(1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the mayor or his designee in the interpretation or enforcement of this title.

(2) Special exceptions; conditions governing applications; procedures. To hear and decide only such special exceptions as the board of zoning appeals is specifically authorized to pass on by the terms of this title; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this title, or to deny special exceptions when not in harmony with the purpose and intent of this title. A special exception shall not be granted by the board of zoning appeals unless and until:

(a) A written application for a special exception is submitted indicating the section of this title under which the special exception is sought and stating the grounds on which it is requested;

(b) Notice shall be given at least fifteen days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the town hall, and in one other public place at least fifteen days prior to the public hearing;

(c) The public hearing shall be held. Any party may appear in person or by agent or attorney;

(d) The board of zoning appeals shall make a finding that it is empowered under the section of this title described in the application to

grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this title. The board of zoning appeals shall prescribe a time limit within which any action which conditions the granting of the special exception shall be performed. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

(3) Variances; conditions governing applications; procedures. To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. A variance from the terms this title shall not be granted by the board of zoning appeals unless and until:

(a) A written application for a variance is submitted demonstrating:

(i) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to the other lands, structures, or buildings in the same district;

(ii) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;

(iii) That the special conditions and circumstances do not result from the actions of the applicant;

(iv) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(b) Notice of public hearing shall be given following the same requirements of those attached to public hearings for special exceptions.

(c) The public hearing shall be held. Any party may appear in person or by agent or by attorney.

(d) The board of zoning appeals shall make findings that the requirements of this chapter have been met by the applicant for a variance.

(e) The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(f) The board of zoning appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under the general penalty clause for this code.

Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this title in the district involved. (Ord. #01-01, Feb. 2001)

14-1106. Decisions of the board of zoning appeals. In exercising the above mentioned powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this title, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the codes enforcement officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in the application of chapters 2 through 10 of this title. (Ord. #01-01, Feb. 2001)

14-1107. Appeals. Any person or persons, or any board, taxpayer, department, board or bureau of the town aggrieved by any decision of the board of zoning appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State of Tennessee. (Ord. #01-01, Feb. 2001)

14-1108. Duties of mayor and board of zoning appeals. It is the intent of chapters 2 through 10 of this title that all questions arising in connection with the enforcement or interpretation of this title (except as otherwise expressly provided herein) shall be first presented to the mayor, and that such questions shall be presented to the board of zoning appeals only on appeal from the mayor, and that from the decisions of the board of zoning appeals, recourse shall be to the courts as provided by law. (Ord. #01-01, Feb. 2001)

CHAPTER 12

TRAILER COACH PARKS

SECTION

- 14-1201. Definitions.
- 14-1202. License required.
- 14-1203. License fees.
- 14-1204. Application.
- 14-1205. Trailer coach park plan.
- 14-1206. Location.
- 14-1207. Water supply.
- 14-1208. Sanitation facilities.
- 14-1209. Laundry facilities.
- 14-1210. Sewage and refuse disposal.
- 14-1211. Garbage receptacles.
- 14-1212. Fire prevention.
- 14-1213. Animals and pets.
- 14-1214. Register of occupants.
- 14-1215. Revocation of license.
- 14-1216. Posting of license.

14-1201. Definitions. The following words as used in this chapter shall have the definitions ascribed to them here:

(1) "Multiple dwellings" means any structure designated and intended to accommodate more than one family and shall include but is not limited to duplex buildings, group houses, and apartment buildings.

(2) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence, or hedge.

(3) "Park" means trailer coach park.

(4) "Person" means any natural individual, firm, trust, partnership, association, or corporation.

(5) "Trailer coach" means any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

(6) "Trailer coach park" means any plot of ground upon which one or more trailer coaches, occupied or unoccupied for dwelling or sleeping purposes, are located, regardless or whether or not a charge is made for such accommodation.

(7) "Trailer coach" space means a plot of ground within a trailer coach park.

(8) "Dependent trailer coach" means a trailer coach which does not have a toilet and a bath or shower.

(9) "Independent trailer coach" means a trailer coach that has a toilet and a bath or shower.

(10) "Dependent trailer coach space" means a trailer coach space which is designated to accommodate a dependent trailer coach and does not have sewer and water connections to accommodate a toilet and bath or shower in a trailer coach.

(11) "Independent trailer coach space" means a trailer coach space which has a sewer and water connections designated to accommodate the toilet and bath or shower contained in an independent trailer coach. (1982 Code, § 5-601)

14-1202. License required. It shall be unlawful for any person to maintain or operate within the corporate limits of the town any trailer coach park unless such person shall first obtain a license therefor. All trailer coach parks in existence upon the effective date of the provisions of this chapter shall within 90 days thereafter obtain such license.

Until full compliance therewith, no existing park is to (1) offer any additional trailer space or allow any other trailers within the existing park beyond the number located therein on the effective date of the provisions of this chapter or (2) replace or allow to be replaced any trailer within the existing park that is for any reason, either temporarily or permanently, removed, destroyed, or otherwise disposed of. (1982 Code, § 5-602)

14-1203. License fees. The annual license fee for each trailer coach park shall be \$50.00. The fee for the transfer of the license as provided in this chapter shall be \$5.00. (1982 Code, § 5-603)

14-1204. Application. Application for a trailer coach park license shall be filed with and issued by the recorder. Applications shall be in writing signed by the applicant and shall contain the following:

(1) The name and address of the applicant.
(2) The location and legal description of the trailer coach park.
(3) A complete plan of the park showing compliance with § 14-1205 of this chapter.

(4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.

(5) Such further information as may be requested by the Town of Bruceton to enable it to determine if the proposed park will comply with legal requirements.

The applications and all accompanying plans and specifications shall be filed in triplicate. The city recorder and chief of police shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer coach park will be in compliance with all provisions of this chapter and all other applicable

ordinances or statutes, the recorder shall approve the application and upon completion of the park according to the plans shall issue the license.

Upon application for a transfer of the license, the recorder shall issue a transfer if the chief of police shall report that the transferee is of good moral character. (1982 Code, § 5-604)

14-1205. Trailer coach park plan. The trailer coach park shall conform to the following requirements:

(1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Trailer coach spaces shall be provided consisting of a minimum of 1,000 square feet for each space which shall be at least 25 feet wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall be at least 15 feet clearance between trailer coaches. No trailer coach shall be located closer than 10 feet from any property line bounding the park.

(3) All trailer coach spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street, alley, or highway. All driveways shall be hard, chipped, and oil surfaced, well marked in the daytime and lighted at night with 25 watt lamps at intervals of 100 feet located approximately 15 feet from the ground.

(4) Walkways not less than two feet wide shall be provided from the trailer coach spaces to the service buildings. The walkways shall be hard surfaced, well marked in the daytime and lighted at night with 25 watt lamps at intervals of 100 feet located approximately 15 feet from the ground.

(5) Each park housing dependent trailers shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as hereinafter more particularly prescribed.

(6) An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space. (1982 Code, § 5-605)

14-1206. Location. Trailer coach parks may be located in any district in which multiple dwellings are permitted. Each boundary of the park must be at least 200 feet from any permanent residential building located outside the park unless separated therefrom by a natural or artificial barrier, or unless a majority of the property owners according to area within said 200 feet, consent in writing to the establishment of the park. (1982 Code, § 5-606)

14-1207. Water supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Cold water supply faucets shall be located on each trailer coach space. An adequate supply of hot water shall be provided at all times in the service building for bathing, washing, and laundry facilities. (1982 Code, § 5-607)

14-1208. Sanitation facilities. Each park shall be provided with toilets, bath or showers, slop sinks, and other sanitation facilities which shall conform to the following requirements:

(1) Toilet facilities for men and women shall be either in separate buildings at least 20 feet apart or shall be separated, if in the same building, by a soundproof wall.

(2) Toilet facilities for women shall consist of not less than one flush toilet for every 10 dependent trailer coach spaces, one shower or bath tub for every 10 dependent trailer coach spaces, and one lavatory for every 20 dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(3) Toilet facilities for men shall consist of not less than one flush for every 15 dependent trailer coach spaces, one shower or bath tub for every 10 dependent trailer coach spaces, one lavatory for every 10 dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(4) An independent trailer coach may be parked on a dependent trailer coach space but the requirements of subsections (2) and (3) immediately hereinabove specified shall not thereby be affected.

(5) A dependent trailer coach may be parked on an independent trailer coach space, but in such event such space shall be regarded as being a dependent trailer coach space during the period of such occupancy by a dependent trailer coach for the purpose of determining compliance with the provisions of subsections (2) and (3) of this section.

(6) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, and shall be located not closer than 10 feet nor farther than 200 feet from any dependent trailer coach space.

(7) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(8) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screen openings, shall be constructed of moisture-proof materials, including painted woodwork, and shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees fahrenheit during the period from October 1st to May 1st. The floors of the service building shall be of water impervious materials and shall slope to the floor drain connected with the sewage system.

(9) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1982 Code, § 5-608)

14-1209. Laundry facilities. The laundry facilities shall be provided in the ratio of one double laundry tub and ironing board for every 20 trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. Drying space shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems. (1982 Code, § 5-609)

14-1210. Sewage and refuse disposal. Waste from showers, bath tubs, toilets, slop sinks, and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard. All kitchen sinks, wash basins, and bath or shower tubs in any trailer coach harbored in any park may empty into a sanitary sink drain located on the trailer coach space. (1982 Code, § 5-610)

14-1211. Garbage receptacles. Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 200 feet from any trailer coach space. The cans shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. (1982 Code, § 5-611)

14-1212. Fire prevention. Every park shall be equipped at all times with one fire extinguisher in good working order for every two trailer coach spaces. The extinguisher should be located not farther than 200 feet from each trailer coach space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. (1982 Code, § 5-612)

14-1213. Animals and pets. No owner or person in charge of any dog, cat, or other pet animals shall permit it to run at large or commit any nuisance within the limits of any trailer coach park. (1982 Code, § 5-613)

14-1214. Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

- (1) Name and address of each occupant.
- (2) Place of employment of any and all occupants of trailer coach.
- (3) The make, model, and year of all automobiles and trailer coaches.

(4) License number and owner of each trailer coach automobile by which it is towed.

(5) The state issuing such license.

(6) The dates of arrival and departure of each trailer coach.

The park shall keep the register available for inspection, at all times, by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration. (1982 Code, § 5-614)

14-1215. Revocation of license. The recorder may revoke any license to maintain and operate a park when the licensee fails to comply with any provision of this chapter and is found guilty thereof by a court of competent jurisdiction. After such conviction, the license may be reissued by complying with §§ 14-1203 and 14-1204 of this chapter if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law. (1982 Code, § 5-615)

14-1216. Posting of license. The license certificate shall be conspicuously posted in the office or on the premises of the trailer coach park at all times. (1982 Code, § 5-616)

CHAPTER 13

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-1301. Flood damage control to be governed by flood damage prevention ordinance.

14-1301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of Bruceton shall be governed by Ordinance #87-26, titled "Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #87-26, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

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

- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1982 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1982 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1982 Code, § 9-107)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1982 Code, § 9-109)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except

that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. (1982 Code, § 9-110)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1982 Code, § 9-111)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town. (1982 Code, § 9-112)

15-108. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,² and shall be uniform as to type and location throughout the town. (1982 Code, § 9-113, modified)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1982 Code, § 9-114)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1982 Code, § 9-115)

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1982 Code, § 9-116)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1982 Code, § 9-117)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1982 Code, § 9-119)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1982 Code, § 9-120)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1982 Code, § 9-121)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1982 Code, § 9-122)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1982 Code, § 9-123)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1982 Code, § 9-124)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1982 Code, § 9-125)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1982 Code, § 9-118)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1982 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1982 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1982 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1982 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1982 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1982 Code, § 9-202)

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

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1982 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed

in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1982 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Signals.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Signals. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first signaling his intention in accordance with the requirements of the state law.¹ (1982 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1982 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1982 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1982 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1982 Code, § 9-305)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 5**STOPPING AND YIELDING****SECTION**

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1982 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1982 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1982 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

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

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1982 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1982 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1982 Code, § 9-406)

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

- (1) Green alone, or "Go":
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow alone, or "Caution":
 - (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
 - (b) Pedestrians facing such signal shall not enter the roadway.
- (3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway.

(4) Steady red with green arrow:

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

(b) Pedestrians facing such signal shall not enter the roadway.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1982 Code, § 9-407)

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

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1982 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1982 Code, § 9-409)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. Generally. No person shall park or allow to stand any vehicle, except in the case of an emergency, upon any street within the town except in an area which has been properly lined for public parking or upon which there is authorized signage to the effect that street parking is allowed. (1982 Code, § 9-501, as amended by Ord. #98-01, April 1998)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1982 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one 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. (1982 Code, § 9-503)

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

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the town. (1982 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1982 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1982 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. (1982 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1982 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1982 Code, § 9-603, modified)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is 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 for more

¹State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

than seventy-two (72) consecutive hours 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 or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs. The fee for impounding a vehicle shall be set by the mayor and board of aldermen in an amount not less than ten dollars (\$10.00) and a storage cost of not less than ten dollars (\$10.00) per day shall be charged. (1982 Code, § 9-601, modified)

15-705. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. For parking violations, the offender may have the charge against him disposed of by paying to the town recorder a fine of five dollars (\$5.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days, his civil penalty shall be ten dollars (\$10.00). (1982 Code, § 9-603, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Banners and signs across streets and alleys restricted.
- 16-105. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-106. Obstruction of drainage ditches.
- 16-107. Abutting occupants to keep sidewalks clean, etc.
- 16-108. Parades, etc., regulated.
- 16-109. Operation of trains at crossings regulated.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Riding rollerskates or bicycles on streets, etc., at night.

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. (1982 Code, § 12-101)

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 (14) feet or over any sidewalk at a height of less than eight (8) feet. (1982 Code, § 12-102)

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, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1982 Code, § 12-103)

16-104. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1982 Code, § 12-104)

16-105. 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 law. (1982 Code, § 12-105)

16-106. 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. (1982 Code, § 12-106)

16-107. 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. (1982 Code, § 12-107)

16-108. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1982 Code, § 12-108)

16-109. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1982 Code, § 12-109, modified)

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 knowingly to allow any minor under his control to violate this section. (1982 Code, § 12-110)

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. (1982 Code, § 12-111)

16-112. Riding rollerskates or bicycles on streets, etc., at night. It shall be unlawful for any person, either children or adults, to be on the streets or sidewalks of the town after darkness falls on rollerskates or bicycles. It shall also be unlawful for any parent, guardian, or person in charge of any child to permit such child to go upon the streets or sidewalks of the town after darkness falls on rollerskates or bicycles. (1982 Code, § 12-112, modified)

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.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1982 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, 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

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).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1982 Code, § 12-202)

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. (1982 Code, § 12-203)

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 mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1982 Code, § 12-204)

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 as required by the Uniform Manual of Traffic Control Devices 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. (1982 Code, § 12-205, modified)

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 town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley,

or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1982 Code, § 12-206)

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 recorder 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. (1982 Code, § 12-207)

16-208. Time limits. Subject to the provisions of code § 11-302(1)(h), 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 town if the town 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 recorder. (1982 Code, § 12-208, modified)

16-209. Supervision. The recorder or his designee 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 town 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. (1982 Code, § 12-209, modified)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is

to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1982 Code, § 12-210)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Definitions.
- 17-102. Preparation of refuse for collection.
- 17-103. Location of containers.
- 17-104. Industrial wastes, etc., not to be collected.
- 17-105. Dead animals disposal.
- 17-106. Garbage collection schedule.
- 17-107. Service fees.
- 17-108. Service fees mandatory.
- 17-109. Charges for garbage service to be included on water bill.
- 17-110. City only may collect garbage.
- 17-111. Litter, waste, etc.
- 17-112. Official sanitary landfill.
- 17-113. Burning of garbage, etc.
- 17-114. Supervision of collection.
- 17-115. Penalties.

17-101. Definitions. For purpose of this chapter, the following words shall be defined as follows:

(1) "Garbage" shall mean all putrescible wastes, except sewage and body wastes, including discarded particles of food and meat, vegetable and animal offal, kitchen wastes in general, and tin cans, bottles, paper and other containers, paper, or any other materials that contain or have attached thereto any residue of milk, soft drinks, food, or other putrescible wastes, but excluding industrial wastes and by-products.

(2) "Small dead animals" shall mean carcasses of fowls and animals not larger than a dog. Livestock and horses shall not be included within the meaning of this term.

(3) "Industrial wastes" shall mean the wastes and by-products of manufacturing and processing establishments.

¹Municipal code reference

Property maintenance regulations: title 13.

(4) "Building wastes" shall be interpreted to mean discarded materials incident to and resulting from construction or repair of buildings and the clearing of land for new construction, such as, but not limited to, rock, brick, metal, wood, glass, trees, brush, and vegetation, when such materials are in greater quantity than can be placed in one container.

(5) "Refuse" shall mean all other wastes, such as tin cans, metal, stone, brick, wood, glass, bottles, paper, cordage, ashes, household rubbish, tree limbs, brush, leaves, lawn trimmings, weeds, flowers, other vegetation, and any other non-classified trash or discarded materials.

(6) "Garbage container" shall mean a water tight can of solid and durable material, equipped with lifting handles, and having a tight-fitting lid with a handle. A garbage container or any other container must not have any inside structures, such as bands or reinforcing angles, that will prevent or impede the free discharge of its contents, and shall not have any jagged or sharp edges that might injure a person handling it or a plastic garbage bag 2 mills thickness.

(7) "Person" shall mean any natural person, firm, company, partnership, or corporation.

(8) The masculine shall include the feminine and neuter.

(9) "Town" shall mean the Town of Bruceton, Tennessee. (1982 Code, § 8-201)

17-102. Preparation of refuse for collection. Materials and wastes to be collected by the department of sanitation of the town shall be prepared as follows:

(1) Garbage must be placed in garbage containers meeting the minimum standards prescribed in § 17-101(6). Containers not meeting such standards may be condemned by the town, and when so condemned shall promptly be replaced with containers that do meet such standards. Condemned containers not replaced within 15 days after notice of condemnation shall be confiscated. All garbage shall be placed in plastic bags of 2 mills thickness.

(2) It shall be the duty of the head of every family occupying or in possession of any house, flat, apartment, tenement, or other dwelling unit, or the owners or agents thereof if they are responsible for paying the service fees, to provide satisfactory containers as defined herein for each dwelling unit, and to place or cause to be placed such containers at the proper locations for the deposit of garbage and refuse for collection by the department of public health at such times as the head of the department shall establish. The lids or covers for all garbage containers shall at all times be kept secure and fastened so that flies and other insects cannot have access to the contents thereof, and said lids or covers may be removed only while being filled or emptied as the case may be.

(3) It shall likewise be the duty of the person in charge of each business and commercial establishment to provide satisfactory containers and to place them in proper locations. (1982 Code, § 8-202, modified)

17-103. Location of containers. The town recorder shall have authority to direct the times, places, and manner of setting out containers for collection. (1982 Code, § 8-203, modified)

17-104. Industrial wastes, etc., not to be collected. The person creating or in possession of industrial or building wastes shall be responsible for disposal of such wastes in such manner and at such places as the department of public health shall approve, and such wastes shall not be collected as part of the town's refuse and garbage collection service except as a special collection under § 17-107(3) in which event such wastes shall be prepared for collection as required by § 17-102. (1982 Code, § 8-204)

17-105. Dead animals disposal. The department of sanitation on call will pick up small dead animals, which shall not be placed in garbage or refuse containers. The person owning or in possession of other dead animals, such as livestock and horses, shall be responsible for their prompt disposal in such manner as the department of public health may direct. Any person having knowledge of the existence of a dead animal should telephone or otherwise immediately notify the department of sanitation. (1982 Code, § 8-205)

17-106. Garbage collection schedule. The town will collect garbage and refuse from family dwelling units weekly, in accordance with schedules established by the department of sanitation, and from business and commercial establishments daily, Sundays and holidays excepted, unless the department shall determine that one collection each week shall be sufficient. (1982 Code, § 8-206, modified)

17-107. Service fees. The fair and reasonable fees to be charged by the town for the collection of garbage and refuse have been determined as follows:

(1) **Residential fees.** Eight dollars (\$8.00) per family dwelling unit per month. Each family unit in multiple dwellings, apartments, or tenements shall be considered a separate family dwelling unit, unless the owner or authorized agent of the owner of a multiple dwelling, apartment, or tenement house shall assume responsibility for paying such fees for all of the family dwelling units contained therein, in which case the fee shall be eight dollars (\$8.00) per family dwelling unit per month. If the owner or agent thereof elects to pay on the latter basis, the number of family dwelling units available for rent shall determine the total fee and the extent of occupancy or vacancy thereof shall not be considered.

(2) **Business and commercial fees.** The actual cost of making collections shall be charged to business and commercial establishments, including hotels, rooming and boarding houses, churches, schools, clubs, public buildings, hospitals, nursing homes, and similar organizations. The department of sanitation shall determine the costs of collection by any practicable method

to be prescribed by the board of mayor and aldermen, and such cost determinations shall be reviewed periodically.

(3) Special collections. Garbage, refuse, and other waste materials will be collected and hauled off by the department of sanitation on special order, at actual cost determined by any practical method to be prescribed by the board of mayor and aldermen, with a minimum charge of \$15.00 per trip. (1982 Code, § 8-207, as amended by Ord. #90-47, July 1990, and Ord. #91-6, June 1991)

17-108. Service fees mandatory. (1) The fees fixed in § 17-107 (1) and (2) for the collection, removal, and disposal of garbage and refuse are hereby levied by the town against all owners, occupants, tenants, or lessees, using or occupying any family dwelling unit, building, house, or structure, and against all persons operating business and commercial establishments entitled to receive such service. Since the proper and prompt removal of all refuse and garbage is essential to the public health and safety, it is deemed necessary that such a fee be levied against every person, and thus provide for a more even and equitable distribution of the cost of this service to the citizenship enjoying the benefits thereof.

(2) It shall be unlawful for any person to utilize any container belonging to another person as a means of avoiding payment of fees levied by this chapter, except that occupants of a multiple dwelling, apartment, or tenement house may jointly use the same containers when the owner thereof or his agent has elected to and does pay the total fees therefor as provided in § 17-107(1). (1982 Code, § 8-208)

17-109. Charges for garbage service to be included on water bill. For the purpose of convenience, the service fees levied shall appear on the same bills showing charges for water and sewer service by the town, and such fees shall be payable at the city hall. (1982 Code, § 8-209)

17-110. City only may collect garbage. No person other than employees of the town or those operating under a contract with the town may collect or haul any garbage, refuse, or other waste materials within the town.

17-111. Litter, waste, etc. The following acts by any person are hereby declared to be unlawful as trespasses and public nuisances, and subject to penalties imposed by this chapter: (1) Placing, depositing, dumping, or throwing, or permitting or causing to be placed, deposited, thrown, or to remain, any garbage, refuse, dead animals, industrial or building wastes, or any other discarded materials:

(a) On public or private property outside any house, apartment, or building in the town, unless the same has been deposited in accordance with the provisions of this chapter, or

(b) On lots of land, vacant or occupied, or

(c) On or in any gutter, street, sidewalk, parkway, driveway, curb, alley, or any other public property.

(2) Permitting any garbage or refuse originating in a place of business to remain on the property of such business or on streets or other private property in the vicinity of such business. Persons operating such businesses shall be responsible for collecting and disposing of as required any such garbage or refuse that shall be scattered on his property or on streets or other private property in the vicinity of his business, regardless of the means by which such scattering occurs, and his failure to do so shall constitute a misdemeanor.

(3) Causing or permitting to be or to remain in or upon any premises, public or private, any garbage or any animal, vegetable or mineral matter, or any composition or residue thereof, that shall be in an unsanitary condition or injurious to public health, or that shall emanate offensive or obnoxious odors.

(4) Permitting weeds, grass, or other vegetation to grow or to remain on lots or land, vacant or occupied, or upon any abutting sidewalk, curb, or street, so as to become offensive, or emanate offensive or obnoxious odors or become a breeding place for flies or insects, or become in any way injurious to the public health.

(5) Disposing of body wastes or sewage in any manner except through the city sewerage system, unless otherwise specifically approved by the Department of Public Health. (1982 Code, § 8-211)

17-112. Official sanitary landfill. (1) The official town sanitary landfill is hereby defined as any land the board of mayor and aldermen may select.

(2) It shall be unlawful to dump garbage or refuse at any place within the town or within 5,000 feet of the corporate limits of the town, except in the official town sanitary landfill.

(3) All garbage, refuse, and waste materials on the official sanitary landfill are the property of the town, and no person shall separate, collect, carry off, or salvage any such materials unless expressly authorized to do so by the department of sanitation and then only under the direction and supervision of said department. (1982 Code, § 8-212)

17-113. Burning of garbage, etc. The burning of garbage within the town at any time is hereby prohibited. The burning of refuse or other waste materials within the town between sunset and sunrise is hereby prohibited except in an approved incinerator. The burning of refuse or other waste materials within the fire limits of the town at any time is hereby prohibited. The burning of combustible refuse within the town and outside the fire limits of the town shall be permitted during daylight hours, provided that any such open fire shall be under constant supervision by the person who ignited it; provided further that any such fire must be at least twenty-five (25) feet from any building, combustible fence, or property line; and provided further that any

such fire shall be so maintained that it shall not constitute a nuisance to or injure or damage the property of any other person. (1982 Code, § 8-213)

17-114. Supervision of collection. The provisions of this chapter shall be administered under the direction and supervision of the board of mayor and aldermen. (1982 Code, § 8-214, modified)

17-115. Penalties. The violation of any provision of this chapter is hereby declared to be a misdemeanor and a public nuisance. In addition to any primary penalties which may be imposed, such nuisance shall be summarily abated by the person responsible therefor on notice from the town, and if not so abated may be abated by the town with the cost thereof charged against the responsible person. Such abatement shall not be a bar to the imposition of the penalty provided in the general penalty clause for this code. (1982 Code, § 8-215, modified)

TITLE 18**WATER AND SEWERS****CHAPTER**

1. WATER AND SEWERS.
2. SEWER USE ORDINANCE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1**WATER AND SEWERS****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Permit and supervision required for connecting to system.
- 18-104. Deposit required.
- 18-105. Sewer connection fee.
- 18-106. Water connection fees.
- 18-107. Cutoffs required.
- 18-108. Installation of lateral sewer lines, etc.
- 18-109. Water and sewer main extensions.
- 18-110. Variances from and effect of preceding section as to extensions.
- 18-111. Meters.
- 18-112. Meter tests.
- 18-113. Water rates.
- 18-114. Sewer service charges.
- 18-115. Multiple services through a single meter.
- 18-116. Billing.
- 18-117. Discontinuance or refusal of service.
- 18-118. Re-connection charge.
- 18-119. Termination of service by customer.
- 18-120. Access to customers' premises.
- 18-121. Inspections.
- 18-122. Customer's responsibility for system's property.
- 18-123. Customer's responsibility for violations.
- 18-124. Supply and resale of water.
- 18-125. Unauthorized use of or interference with water supply.
- 18-126. Damages to property due to water pressure.
- 18-127. Liability for cutoff failures.
- 18-128. Restricted use of water.
- 18-129. Interruption of service.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1982 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the town to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1982 Code, § 13-102)

18-103. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system or the water system without a permit for each connection from and inspection by the city recorder or his designee. Also all connections to the system must be made under the direct supervision of the city recorder or someone designated by him. (1982 Code, § 13-103, modified)

18-104. Deposit required. Any person requesting water service for any building, whether used for a business, dwelling or any other purpose, shall be required to pay a deposit to the city recorder before water can be turned on. The amount of the deposit will be \$25.00 if the individual owns the property and \$100.00 for those renting the property. The deposit will be refunded when the water service is terminated if there is no outstanding debt owed to the Town of Bruceton by the person whose name the water service was provided. If there is an outstanding debt, the deposit will be applied to that debt and the balance, if any, will be refunded.

The receipt of a prospective customer's request for service shall not obligate the town to render the service requested. If the service requested cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return

of any deposit made by such applicant. (1982 Code, § 13-104, as amended by Ord. #87-31, Sept. 1987, Ord. #90-41, May 1990, and Ord. #96-06, Nov. 1996)

18-105. Sewer connection fee. No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the city recorder a sewer connection fee in the sum of \$350.00. (1982 Code, § 13-106, modified)

18-106. Water connection fees. No permit to connect to the municipal water works system shall be granted unless the applicant first pays to the city recorder a water connection fee for each individual connection based on the size of the pipe hereinafter set out, to-wit: three fourths (3/4) inch pipe, three hundred fifty dollars (\$350.00); one inch (1") pipe, four hundred fifty dollars (\$450.00); all applications for pipe connections having a diameter of greater than one inch (1") shall be accompanied by an application fee to be determined on an individual basis by the town recorder and to be representative of the costs of installing the connection to the Town of Bruceton including both the costs of manpower, equipment use, and materials needed. In the event of an application for a greater than one inch (1") diameter pipe the application fee shall not be less than six hundred dollars (\$600.00) in any event. (Ord. #96-05, Nov. 1996, modified)

18-107. Cutoffs required. All new buildings erected in the corporate limits, whether to be used as a business or a dwelling, shall be equipped with an individual water cutoff, other than the cutoff coming off the city water line. If said building is a multi-dwelling, it shall be equipped with an individual cutoff for each family supplied with water. (1982 Code, § 13-108)

18-108. Installation of lateral sewer lines, etc. When connections to the public sanitary sewer system are required and/or permitted, the town shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the board of mayor and aldermen and the property owner to the contrary. All necessary installations within the property line shall be made by the owner.

The sewer line shall be of at least four (4) inch schedule 40 PVC pipe or better and shall contain at least two cleanouts which are easily accessible. Upon installation of a new line, whether replacing a preexisting line or not, the town shall be notified and given the opportunity to inspect the site prior to the line being covered. (1982 Code, § 13-109, modified)

18-109. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the board of mayor and aldermen), two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the board of mayor and aldermen, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1982 Code, § 13-110)

18-110. Variances from and effect of preceding section as to extensions. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1982 Code, § 13-111)

18-111. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or

other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1982 Code, § 13-112)

18-112. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The town will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay the cost of the meter test.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1982 Code, § 13-113)

18-113. Water rates. (1) For purposes of establishing a schedule of rates there is established three categories of rates which shall hereinafter be known as Rate Code 1, Rate Code 2 and Rate Code 3. Rate Code 1 is defined as those customers using water exclusively for residential purposes inside the corporate limits. Rate Code 2 is defined as those customers using water exclusively for residential purposes outside the corporate limits or those customers using water whether inside or outside the corporate limits for commercial purposes but which purpose does not fall within that usage defined as Rate Code 3 herein. Rate Code 3 is defined as those customers using water for industrial or manufacturing purposes whether within or without the corporate limits.

(2) Schedule of rates. The following rates for water of the town based upon the estimated or measured volume in gallons to the nearest multiple of 100 are established as follows on a monthly basis:

CODE 1

Flat Rate Charge	\$9.00
0 - 2,000 gal.	\$3.00 per 1,000 gal.
2,100 - 10,000 gal.	\$2.85 per 1,000 gal.
10,100 - 30, 000 gal.	\$2.75 per 1,000 gal.
30,100 - 50,000 gal.	\$2.65 per 1,000 gal.
Over 50, 100 gal.	\$2.50 per 1,000 gal.

CODE 2

Flat Rate Charge	\$10.00
0 - 5,000 gal.	\$3.50 per 1,000 gal.
5,100 - 10,000 gal.	\$3.25 per 1,000 gal.
10,100 - 30,000 gal.	\$3.00 per 1,000 gal.
30,100 - 50,000 gal.	\$2.75 per 1,000 gal.
Over 50,000 gal.	\$2.50 per 1,000 gal.

CODE 3

Flat Rate Charge	\$100.00
0 - 100,000 gal.	\$3.00 per 1,000 gal.
100,100 and over gal.	\$2.50 per 1,000 gal.

Sprinklers or fire protection charge. The monthly rate for sprinkler or other similar fire protection system shall be a \$21.94 flat charge per month per system. (Ord. #95-04, June 1995)

18-114. Sewer service charges. Sewer service charges shall be collected from the person billed for the water service to any premises with accessible sanitary sewer. The sewer charge shall be added to and combined with the water service charge. Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water services may be discontinued for non-payment of the combined bill.

Schedule of rates

Minimum Bill (zero usage)	\$9.00
All Usage	\$4.00 per 1,000 gallons

Notwithstanding any provision in this code to the contrary, a property owner may request the installation of a water service meter on their property for use in providing metered water for uses such as lawn and garden, swimming pool filling, outside washing and similar uses in which the water does not thereafter enter the sanitary sewer system. In such an instance the normal fee for sewer service otherwise attributed to the customer's bill will not be charged. Under no circumstances may such a connection be made for any interior use or be connected to a structure on the land. The cost of the installation of an additional water meter shall be determined by the town recorder and shall be that amount not less than \$100.00 which will recover the actual expenses of the town. The property owner shall pay this amount in advance of the meter installation. Additionally, the property owner shall in such instance pay a non-refundable deposit of \$10.00 except in the instance of rental property for which the deposit shall be \$25.00. If a meter is already present on the property then the deposit is the only cost required of the owner and this is to also be paid in advance. The customer will then be charged for water used through this meter without a charge for sewer usage. Under no circumstances can water be run below ground through a hose, pipe, or other conveyance. All connections to the water provided via this water service meter must be above ground and in plain view available to inspection by the proper authorities of the Town of Bruceton. In addition to any other penalty or remedy provided herein to the Town of Bruceton, the town shall disconnect from service any installation of a water meter and the customer shall forfeit the cost of installation and any deposit should the water customer violate the terms of this provision. (Ord. #95-08, June 1995, as amended by Ord. #96-04, Sept. 1996, and Ord. #00-06, __)

18-115. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water and sewer rate schedules, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together and the sum thereof shall be billed to the customer in whose name the service is supplied. The number of family dwelling units available for rent shall determine the total fee and the extent of vacancy or occupancy thereof shall not

be considered. (1982 Code, § 13-116, as amended by Ord. #86-21, June 1986, and Ord. #87-31, Sept. 1987)

18-116. Billing. (1) An adjustment shall be made for each unit which may experience and can substantiate as hereinafter set forth that a leak in the water works has caused an increase in their water bill. The adjustment and bill charges shall be based on the average prior six months water consumption. Each unit shall be allowed two adjustments per year because of a leak but there shall not be two adjustments in two consecutive months. No adjustment shall be made in the water bills unless satisfactory proof is presented to the water treatment supervisor and that said proof shall appear to the water treatment supervisor to substantiate the claimed leak and in said event the water treatment supervisor shall adjust the water bill as hereinabove set forth.

(2) Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the town.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

Should the final date of payment of bill at the net rate fall on a Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the town if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (1982 Code, § 13-117, as amended by Ord. #88-37, Feb. 1989, and Ord. #____, March 1989, modified)

18-117. Discontinuance or refusal of service. The town shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

The city recorder of the town is expressly authorized to cut off the water of any user who does not pay the monthly bill by 10 days after the discount date

and the recorder is not to renew water service until the delinquent debt is satisfied by the payment of the balance due.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1982 Code, § 13-118, as amended by Ord. #86-21, June 1986)

18-118. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the town before service is restored. (1982 Code, § 13-119, as amended by Ord. #95-10, Feb. 1996)

18-119. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give advance notice to the town.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant may be allowed by the town to enter into a contract for

service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1982 Code, § 13-120)

18-120. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1982 Code, § 13-121)

18-121. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1982 Code, § 13-122)

18-122. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1982 Code, § 13-123)

18-123. Customer's responsibility for violations. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1982 Code, § 13-124)

18-124. Supply and resale of water. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town. There shall be no private water wells within the town. (1982 Code, § 13-125, modified)

18-125. Unauthorized use of or interference with water supply.

No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. A violation of this section is punishable by a fine of fifty dollars (\$50.00). Violators shall also compensate the town for water used in the estimate of the town. (1982 Code, § 13-126, modified)

18-126. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1982 Code, § 13-127)

18-127. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances: (1) After receipt of at least ten (10) days' written notice to cut off a water service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained after his water service has been cut off. (1982 Code, § 13-128)

18-128. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1982 Code, § 13-129)

18-129. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages

from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1982 Code, § 13-130)

CHAPTER 2

SEWER USE ORDINANCE

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Use of public sewers.
- 18-204. Building sewers, connections, and permits.
- 18-205. Private domestic wastewater disposal.
- 18-206. Prohibitions.
- 18-207. Control of prohibited pollutants.
- 18-208. Wastewater discharge permits.
- 18-209. Inspections, monitoring, and entry.
- 18-210. Enforcement.
- 18-211. Wastewater volume determination.
- 18-212. Wastewater charges and fees.
- 18-213. Administration.

18-201. Purpose and policy. The purpose of this ordinance is to set uniform requirements for users of the town's wastewater collection system and treatment works to enable the town to comply with the provisions of the Clean Water Act and other applicable federal and state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the town's wastewater collection system and treatment works. This ordinance establishes conditions for connection to the sanitary sewer system. Certain acts which may be detrimental to the sewer system are prohibited. This ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to specific users. This ordinance also establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works (POTW) which will interfere with the operation of the POTW, may cause environmental damage, interfere with the use or disposal of sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve the opportunities to recycle and reclaim the wastewater and/or sludge resulting from such treatment. This ordinance provides measures for the enforcement of its provisions and abatement of violations thereof.

This ordinance shall apply to the Town of Bruceton and to persons outside the town limits who are, by contract or agreement with the Town of Bruceton, users of the Bruceton POTW. Except as otherwise provided herein,

the Public Services Director of the Bruceton POTW shall administer, implement, and enforce the provisions of this ordinance. (Ord. #00-04, July 2000)

18-202. Definitions. (1) For the purposes of this ordinance, the following phrases and words shall have the meaning defined below:

(a) "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.

(b) "Approved pretreatment program." A program administered by a POTW that meets the criteria established in Chapter 40 of the Code of Federal Regulations (40 CFR) 403.8 and 403.9, and which has been approved by the regional administrator or state director in accordance with 40 CFR 403.11.

(c) "Board." The elected Mayor and Board of Aldermen for the Town of Bruceton.

(d) "Building sewer." A sewer conveying wastewater from the premises of a user to a community sanitary sewer.

(e) "Bypass." The intentional diversion of waste streams from any portion of a treatment facility.

(f) "Categorical standards." National pretreatment standards established by the EPA for specific industrial user Standard Industrial Classification (SIC) code categories.

(g) "Combined sewer." A sewer which has been designed to carry both sanitary sewage and storm water runoff.

(h) "Composite sample." Sample consisting of several sample portions collected during a specified period (usually 24 hours) and combined to form a representative sample. Composite samples can be collected on a flow proportional or timed basis, depending on the nature of the discharge.

(i) "Conventional pollutant." Biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform, and oil and grease.

(j) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(k) "Discharge monitoring report." A report submitted by an industrial user to the public services director containing information regarding the nature and concentration of pollutants and flow characteristics of a discharge by the user to the POTW.

(l) "Environmental Protection Agency or EPA." An agency of the United States or its duly authorized representative.

(m) "Grab sample." A single sample of wastewater taken at neither set time or flow over a period not to exceed 15 minutes.

(n) "Holding tank waste." Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewater from industrial

users conveyed to the POTW by any means other than by a standard sewer tie-on.

(o) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b) or (c) of the Act into the POTW for treatment before discharge to state waters.

(p) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act. For the purposes of this ordinance, an industrial user is a source of non-domestic wastes from industrial processes.

(q) "Infiltration." Water other than wastewater that enters a sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes.

(r) "Inflow." Water other than wastewater that enters a sewer system from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swamp areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, storm water, surface runoff, street wash water, and drainage.

(s) "Interference." A discharge which, 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, and is therefore a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations) Section 405 of the CWA, the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

(t) "Mass discharge rate." The weight of material discharged to community sewer during a given time interval, normally given in pounds per day.

(u) "Medical wastes." Wastes capable of producing an infectious disease because they contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.

(v) "National pretreatment standard." Any regulations containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act which applies to industrial users. These terms also include prohibited discharges promulgated in 40 CFR

403.5 and local limits adopted as part of the town's pretreatment program.

(w) "New source." Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.

(x) "National Pollutant Discharge Elimination System (NPDES)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

(y) "Normal wastewater." Effluent which contains constituents and characteristics similar to effluent from a domestic premises, and specifically for the purpose of this ordinance, does not contain these constituents in excess of the following concentrations:

BOD ₅	-	300 mg/l
COD	-	600 mg/l
TKN	-	60 mg/l
NH ₃ -N	-	30 mg/l
TSS	-	300 mg/l
Oil & grease	-	100 mg/l

(z) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of any requirement of the POTW's NPDES permit.

(aa) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents, or assigns.

(bb) "Pollution." The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

(cc) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process change or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. Where wastewater from a regulated process is mixed with

unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

(dd) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(ee) "Publicly owned treatment works." A treatment works as defined by Section 212 of the Act, which is owned in this instance by the town. This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

(ff) "Shall" is mandatory; "May" is permissive.

(gg) "Significant industrial user." (i) All discharges subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N.

(ii) All non-categorical dischargers that contribute a process waste stream which makes up 5 percent or more of the average dry weather capacity of the wastewater treatment plant (WWTP), or more than an average of 25,000 gallons per day of process wastewater to the WWTP.

(iii) All non-categorical dischargers that, in the opinion of the public services director, have a reasonable potential to adversely affect the POTW's operations. This shall include but shall not be limited to all centralized waste treatment discharges, all tank and drum cleaning facilities, and all paint manufacturing facilities.

(iv) All non-categorical discharges that contain more than 100 pounds per day of combined BOD₅ and TSS load above that level found in normal wastewater, or that contain more than 1,000 pounds in a month of combined BOD₅ and TSS load above that level found in normal wastewater.

(hh) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any given period of duration longer than 15 minutes more than five times the average 24 hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(ii) "Standard Industrial Classification." A classification pursuant to the Standard Industrial Classification Manual issued by the

Executive Office of the President, Office of Management and Budget, 1972.

(jj) "Public services director." The person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

(kk) "Toxic pollutants." Any pollutant or combination of pollutants listed as toxic in 40 CFR part 401 as promulgated by the administrator of the EPA under the provisions of the Act.

(ll) "User." Any person, firm, corporation, or government entity that discharges, causes, or permits the discharge of wastewater into a community sewer system.

(mm) "Wastewater." The liquid and water borne industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(nn) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological, and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to classify, define, or measure the contents, quality, quantity, and strength of wastewater.

(oo) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state.

(2) The following abbreviations shall have the following meanings:

- | | | |
|-----|------------------|--|
| (a) | BAT | -Best available technology. |
| (b) | BPT | -Best practical technology. |
| (c) | BOD ₅ | -Biochemical oxygen demand (5-day). |
| (d) | CFR | -Code of Federal Regulations. |
| (e) | COD | -Chemical oxygen demand. |
| (f) | CWA | -Clean Water Act. |
| (g) | EPA | -Environmental Protection Agency. |
| (h) | GMP | -Good management practices. |
| (i) | MBAS | -Methylene blue activated substances. |
| (j) | mg/l | -milligrams per liter. |
| (k) | NPDES | -National Pollutant Discharge Elimination System. |
| (l) | POTW | -Publicly owned treatment works. |
| (m) | RCRA | -Resource Conservation and Recovery Act. |
| (n) | SIC | -Standard Industrial Classification. |
| (o) | SWDA | -Solid Waste Disposal Act. |
| (p) | TDEC | -Tennessee Department of Environment and Conservation. |
| (q) | TSS | -Total suspended solids. |
| (r) | USC | -United States Code. |

(s) WWTP -Wastewater treatment plant.
 (Ord. #00-04, July 2000)

18-203. Use of public sewers. (1) Connection with sanitary sewer required. (a) Sewer connection required. Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within 500 feet of the building drain of the parcel shall be considered as being served by the town's sanitary sewer system.

All new buildings hereafter constructed on property which is served by the POTW shall not be occupied until the connection has been made. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the POTW shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the TDEC or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The public services director shall make any decision as to the availability of sewers. Notwithstanding the above exceptions, all premises served by the POTW are subject to sewer use charges as described in § 18-212 of this ordinance.

(b) Unconnected sewer service lines prohibited. Except for discharge to a properly functioning septic tank system, or discharges permitted by an NPDES permit issued by the TDEC, the discharge of sewage into places other than the POTW is prohibited. Newly annexed premises may continue to discharge to a properly functioning septic tank system until such time that the system is no longer functioning properly. At this time, the premises would be required to connect to the sanitary sewer.

(c) Insufficient capacity, connection moratorium. In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the TDEC, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

(2) Adequate and minimum fixtures. (a) Minimum number of fixtures. A dwelling shall have at least one commode, one bathtub or shower, one lavatory, one kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or

regulation, but not less than one commode and one hand washing lavatory.

(b) Adequate water for disposal of waste. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow sufficient quantity of water to be so applied as to properly carry off all waste matter and keep the same unobstructed.

(3) Right to enter and inspect connection. The public services director, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 A.M. and 6:00 P.M. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the POTW's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(4) Demolished buildings. When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the public services director of such a plug and allow same to be inspected prior to covering any work. If such a line is to be reused, it must first undergo inspection by the public services director and be in conformity with the existing standards.

(5) Temporary discharges. No person shall discharge any substance directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer unless they have been issued a temporary permit by the public services director. A temporary permit may be issued at the discretion of the public services director to provide for discharges from portable facilities for festivals or public shows or for other reasonable purposes. The public services director shall incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with provisions of this ordinance. The user shall be required to pay reasonable charges and fees for the permit and service in an amount not less than the charges and fees for normal discharges. Any discharge other than through an

approved building sewer or in accordance with a permit issued by the public services director shall be unlawful.

(6) Vehicle wash racks. All gasoline stations, garages, self-service vehicle washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building official. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are industrial users as defined in § 18-208 of this ordinance, a permit as specified therein will be required.

(7) Grease, grit, oil, and lint traps. Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the POTW sewers or threaten the safety of its employees, shall install and maintain a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the public services director and constructed in accordance with applicable building codes.

(8) Multi-use private sewer systems. Excluding those industrial waste facilities with a permit issued pursuant to § 18-208, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the POTW's sanitary sewer system and shall be responsible for any violations of the provisions of this chapter, including liability for the damage or injury caused to the POTW as a result of any discharge through the private system. (Ord. #00-04, July 2000)

18-204. Building sewers, connections, and permits. (1) Installation, maintenance, repair of sewer service lines. (a) Definition. A standard sanitary sewer service line is a minimum 4 inch schedule 40 PVC pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main trunk.

(b) Installation of sewer service lines. Four inch building sewers shall be laid on a grade greater than 1/8" per foot (at least 1%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2 feet per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one of the following approved materials:

- (i) Cast iron soil pipe using rubber compression joints of approved type;
- (ii) Polyvinyl chloride pipe with solvent welded or rubber compression joints;
- (iii) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (iv) Similar materials of equal or superior quality following public services director approval. Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the town, attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of 1 percent or more. In cases where basement or floor levels are lower than the ground levels at the point of connection to the sewer, adequate precautions through the installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the sewer, wastes carried by such building drain shall be lifted by an approved means and discharged into the POTW sewer.

(c) Cleanouts. A cleanout shall be located 5 feet outside of the building, one as it taps on to the utility laterally and one at each change of direction of the building sewer greater than 45 degrees. Additional cleanouts shall be placed not more than 75 feet apart in horizontal building sewers of 4 inch diameter and not more than 100 feet apart for larger pipes. Cleanouts shall extend to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches on a four inch pipe.

(d) Fees. All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The town reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the public services director.

(e) Title and maintenance. When a property owner ties into a sanitary sewer service line and pays the appropriate sewer service line fees, the town, by appropriate instrument, shall convey and release to the

property owner, all its right, title, and interest in the sanitary sewer service line so installed by the town. Thereafter, all repairs and maintenance of the sanitary sewer service line shall be the responsibility of the property owner or user of the sewer; provided, for all sanitary sewer service lines hereafter installed by developers in subdivisions and not by the utility, for which no sewer service line charge is charged to the property owner, all repairs, and maintenance of such sanitary sewer service lines shall be the responsibility of either the property owner, user of the sewer, or the developer, as the owner, user, and developer shall agree by separate contract between themselves.

(f) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. POTW personnel will provide whatever information is available for this purpose. If no "Y" or tee exists within 3 feet of either side of the location shown on the sewer plats, then a tap will be provided by the POTW when the sewer main is exposed. If a manhole needed for locating a service line has been lost, then the POTW shall be responsible for locating the manhole.

(g) Taps on utility sewers. All taps made directly into the town's sewer lines shall be made by sewer maintenance personnel. The town shall install the tap. Only one service line shall be allowed to be installed in a trench. New taps shall be made using a "Y"-type connection.

(h) Manhole requirements. A new manhole will be required whenever a sewer service line larger than 6 inches is needed to tie into the town's sewer. The town shall excavate to the sewer and sufficiently expose the pipe for installation of the manhole. Sewer maintenance personnel shall install the manhole. The cost of the manhole, including labor and materials, shall be charged to the owner after construction is completed.

(i) Maintenance of service lines. All repairs and maintenance of the sewer service line to include correction of excessive inflow or infiltration shall be the responsibility of the property owner or user of the sewer. The town shall be responsible for the maintenance of collector lines only up to the point where the owner's service line connects to the town's lines.

(j) Methods of installation. The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the public services director.

(k) Public safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from potential hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner acceptable to the town.

(l) Prohibitions. No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, or other sources of surface run-off or groundwater to a building sewer or drain which in turn is connected either directly or indirectly to the sanitary sewer.

(2) Service line to enter sewer at junction; exceptions. No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the public services director. In any case where such permission has been given, the work shall be done under the inspection of the public services director or his representative and at the risk and expense of the party making the connection.

(3) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the public services director for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the public services director, the building sewer is installed in accordance with § 18-204 of this ordinance and an inspection has been performed by the public services director or his representative.

Connections made without an approved application may be severed by order of the public services director. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the permit application fee in an amount double the current fee.

The receipt by the town of a prospective customer's application for service shall in no way obligate the town to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the town's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service, except that conditional waivers may be granted for additional services by the public services director for interim periods if compliance may be assured within a reasonable period of time.

(4) Acceptance of work. All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the town's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the public services director. Any construction work where sewers are opened, uncovered, or

undercut must also have the prior approval of the public services director. (Ord. #00-04, July 2000)

18-205. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provisions of § 18-203 of this ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to said sewer within ninety days after official notification by the public services director or his representative to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service areas or any newly annexed areas unless and until a certificate is obtained from the public services director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing sub-surface soil absorption facilities where the area of the lot is less than that specified by the Town of Bruceton and the Carroll County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the town and the Carroll County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the town and the Carroll County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the town and Carroll County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the town and Carroll County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the town and Carroll County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all the recommendations of the TDEC, the Carroll County Health Department, and the Town of Bruceton. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the

town and/or the Carroll County Health Department. (Ord. #00-04, July 2000)

18-206. Prohibitions and limitations. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to the POTW. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and environment, and to enable the town to meet requirements contained in its NPDES permit. The public services director shall review said limitations from time to time to ensure that they are sufficient to protect the health and safety of POTW personnel and the operation of the treatment works to enable the facility to comply with its NPDES permit, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The public services director shall recommend changes or modifications as necessary.

(2) Prohibited pollutants. No person shall introduce into the POTW any pollutant(s) which cause pass-through or interference. Additionally, the following specific prohibitions apply:

(a) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the tester method specified in ASTM D-3278-78, or pollutants which cause an exceedance of 10 percent of the lower explosive limit (LEL) at any point within the POTW.

(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0.

(c) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which may cause damage to the POTW, including waxy or other materials which tend to clog and/or coat a sewer line or other related appurtenances.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength (slug) so as to cause interference in the POTW or individual unit operations or cause adverse effects on its workers or the environment.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 104 degrees Fahrenheit (40 degrees Centigrade).

Unless a higher discharge temperature is specified in the user's wastewater discharge permit, no user shall discharge into a sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 150 degrees Fahrenheit (65.5 degrees Centigrade).

(f) 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.

(g) Any trucked or hauled pollutants, except at discharge points specified by the POTW.

(h) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that cause interference or pass-through.

(i) Any pollutant which causes a discoloration of the WWTP effluent resulting in a degradation of receiving water quality and/or NPDES permit violation.

(3) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in § 18-206(2) of this ordinance where the user can demonstrate one of the following:

(a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.

(b) A local limit designed to prevent pass through and/or interference, as the case may be, was developed pursuant to §§ 18-206(10) and 18-206(11) of this ordinance for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each such local limit directly prior to and during the pass-through or interference.

(c) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference and the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(4) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated using the following criteria:

(a) Wastewater containing any element or compound which is known to be an environmental hazard and which is not adequately removed by the treatment works.

(b) Wastewater causing a pass-through, discoloration, foam, floating oil and grease, or any other condition in the quality of the treatment works effluent such that receiving water quality requirements

established by law cannot be met or the town's NPDES permit requirements are violated.

(c) Wastewater causing conditions at or near the town's treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.

(d) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.

(e) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludges, or scums causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal.

(f) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations.

(g) Wastewater having constituents and concentrations in excess of those listed in § 18-206(10) or cause an exceedance of the limits in § 18-206(11).

(h) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.

(i) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the POTW influent.

The public services director shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to §§ 18-206(5) and 18-206(6) of this ordinance in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria or that has processes that generate wastewater and could violate any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this section.

(5) National pretreatment standards. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to such a standard shall comply with all requirements and with any additional or more stringent limitations contained in this ordinance. Compliance with current or newly promulgated national pretreatment standards for existing sources shall be within 3 years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation of the standard. New sources shall have in operating condition and shall start up all pollution control

equipment required to meet applicable pretreatment standards before commencing discharge. New sources must meet applicable pretreatment standard within 90 days of commencement of discharge.

(6) Dilution. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(7) Limitations on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into a community sewer, except as follows:

(a) When the person is authorized to use radioactive materials by the TDEC or the Nuclear Regulatory Commission (NRC).

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.

(c) When a copy of permits received from said regulatory agencies has been filed with the public services director.

(8) Septic tank hauling, pumping, and discharge. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge sewage directly or indirectly into the POTW, unless that person first receives from the public services director a septic tank discharge permit for each vehicle used in this manner. All applicants for a septic tank discharge permit shall complete the forms required by the public services director, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the public services director.

(a) The owners of such vehicles shall affix and display the permit number in 4 inch block figures on the side of each vehicle used for such purposes.

(b) The permit shall be valid for a period of 3 years from date of issuance, provided that the permit shall be subject to suspension or revocation by the public services director for violation of any of the provisions of the ordinance or other applicable laws or regulations. A revocation or suspension of the permit shall be for a period not to exceed 5 years. Such revocation for suspension shall bind the permittee, any member of the immediate family of the permittee, or any person who has purchased the business or a substantial amount of the assets of the permittee. Users found operating in violation of a permit issued under this section and whose permit is therefore revoked by the public services director, shall be notified of the violation by certified mail or by notice personally delivered to the user.

(c) Septic tank discharge permits are not automatically renewed. Application for renewal must be made to the public services director.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. All other hauled wastes shall be governed by § 18-206(9). Any user transporting, collecting, or discharging non-domestic industrial process wastewaters or a mixture of such wastewaters with domestic wastewaters shall obtain a holding tank discharge permit in accordance with § 18-206(9).

(e) The public services director shall designate the location and times where such trucks may be discharged and 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 treatment works or any sewer line or appurtenance, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.

(f) The public services director shall have authority to investigate the source of any hauled waste and to require testing the waste at the expense of the discharger prior to discharge.

(9) Other holding tank wastes. No user shall discharge any other holding tank wastes, including hauled industrial waste, into the POTW unless he has been issued a holding tank discharge permit by the public services director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. All applicants for a holding tank discharge permit shall complete forms required by the public services director, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the public services director. All such dischargers and transporters must show that they have complied with federal manifests and other regulations of the RCRA. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of discharge, the source and character of the waste, and shall limit the wastewater constituents of the discharge. The user shall pay any applicable charges or fees and shall comply with the conditions of the permit.

(10) Criteria to protect the treatment plant influent. The POTW shall monitor the treatment plant influent for each pollutant in the following tables. Industrial users shall be subject to reporting and monitoring requirements as set forth in this ordinance. In the event that the influent at the POTW reaches or exceeds the levels set forth in these tables, the public services director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the town the necessary remedial measures. The public services director may also recommend changes to these criteria in the event that the POTW effluent standards are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the POTW.

Protection criteria have been established for the WWTP influent and are listed in Table A.

Table A - Plant Protection Criteria Bruceton WWTP (proposed 5-2000)	
Pollutant	Protection Criteria (mg/l)
Cadmium	0.0089
Chromium (Total)	0.1176
Copper	0.1013
Lead	0.0450
Mercury	0.0003
Nickel	0.2093
Silver	0.0005
Zinc	0.4082
Cyanide	0.1077
Toluene	0.1364
Benzene	0.0030
1,1,1 trichloroethane	0.3333
Ethyl benzene	0.0235
Carbon tetrachloride	0.0150
Chloroform	0.1491
Tetrachlorethylene	0.2778
Trichloroethylene	0.0256
1,2 trans dichloroethylene	0.0125
Methylene chloride	1.2500
Phenol (total)	0.1000
Napthalene	0.00010
Total phthalate*	0.1290

Footnotes: (1) Criteria based on pass through/removal efficiency
(2) Criteria based on process inhibition

*The sum of bis(2-ethylexyl) phthalate, butyl benzyl phthalate, di-n-butyl phthalate, and diethylphthalate.

(11) (a) Storm drainage, ground, unpolluted and contaminated storm water. No storm water, ground water, rain water, street drainage,

rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the town's sewer unless no other reasonable alternative is available, except with permission from the public services director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the public services director. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or storm water as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.

(b) The POTW will accept discharge of contaminated storm water if the following criteria are met:

(i) All known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden;

(ii) The contaminated storm water meets the POTW's discharge limits and all state and federal pretreatment requirements; and

(iii) The volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(12) Use of garbage disposals. No waste from garbage disposals shall be discharged into the POTW's sewers except from private garbage disposals used in an individual residence or upon permit issued by the public services director for preparation of food consumed on premises, and then only when applicable fees are paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(13) Hospital or medical waste. It shall be unlawful for any person to dispose of medical waste, surgical operating room waste, or delivery room waste into the sewer.

(14) Obstruction or damage to sewer. It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewage treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break, injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes. (Ord. #00-04, July 2000)

18-207. Control of prohibited pollutants. (1) Pretreatment requirements. Industrial users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in §§ 18-206(10) and 18-206(11) of this ordinance, to meet applicable national pretreatment standards, to prevent slug discharges or to meet any other wastewater condition or limitation contained in the industrial user's wastewater discharge permit.

(2) Plans and specifications. Plans and specifications for wastewater monitoring or pretreatment facilities shall be prepared, signed, and dated by a competent environmental professional, and be submitted to the public services director for review in accordance with accepted practices. The public services director shall review the plans within 30 days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the public services director. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the public services director with as-built drawings to be maintained by the public services director. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent complying with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the public services director prior to implementation.

(3) Prevention of accidental discharges. All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this ordinance. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste shall be subject on a case by case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating procedures shall be developed by the user and submitted to the public services director for review.

(4) Oil and grease control program. Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food processing facility.

Dischargers of oil and grease waste shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease sludge from wastewater discharges. Such treatment processes shall be subject to good management practices and approval by the public services director. Discharges shall also be subject to monitoring, entry, inspection, reporting, and other requirements as determined by the public services director. These dischargers may be required to apply for industrial waste discharge permits if it is determined that the dischargers are a source of prohibited pollutants, toxic pollutants, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this ordinance.

(5) Slug control program. (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this article. A slug is defined as any pollutants, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its employees or the environment. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the public services director.

(b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the public services director for review and approval. All users required to have such a plan shall submit it within 30 days of notification by the public services director and complete implementation within 90 days of notification.

(c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of wastes, concentration and volume, and corrective action shall be provided by the user.

Within 5 days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

(d) A notice shall be permanently posted on the user's premises advising employees of a contract to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(6) Prohibition of bypass. (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the public services director may take enforcement action against an industrial user for a bypass; unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed.

(iii) The user submitted notices as required in § 18-209(13).

(b) The public services director may approve an anticipated bypass after considering its adverse effect if the public services director determines that it will meet the 3 conditions listed in paragraph (a) of this section.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of § 18-209(13).

(7) Exceptions to wastewater limitations. (a) Applicability. This section provides a method for industrial users subject to the limitation on wastewater pollutants listed in §§ 18-206(10) and 18-206(11) to apply for and receive a temporary exemption to the discharge level for one or more pollutants or parameters.

(b) Time of application. Applicants shall apply for a temporary exemption when they are required to apply for a wastewater discharge permit or renewal provided that the public services director allows applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.

(c) Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the public services director pursuant to paragraph (d) of this section.

(d) Review by the public services director. All applications for an exception shall be reviewed by the public services director. If the application does not contain sufficient information for complete evaluation, the public services director shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the public services director to correct such deficiencies. This 30 day period may be extended by the public services director upon application and for just cause. Upon receipt of a complete application, the public services director shall evaluate it within

30 days and approve or deny the application based upon the following factors:

(i) The public services director shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in §§ 18-206(10) and 18-206(11) and grant an exception only if such exception is within limitations of applicable federal regulations.

(ii) The public services director shall consider if the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA under the provisions of Section 307(a) of the Act, or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.

(iii) The public services director shall consider if the exception would create conditions or a hazard to town personnel that would reduce the effectiveness of the POTW taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The public services director shall consider the possibility of the exception causing the POTW to violate its NPDES permit.

(v) The public services director shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the POTW or which would cause the POTW to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act or similar regulatory measure.

(vi) The public services director may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(vii) The public services director may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(viii) The public services director may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(ix) The public services director may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(x) The public services director may consider an application for exception based upon the fact that water conservation measures instituted or proposed by the user result in

a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that except for wastewater conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-206(10). No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the POTW.

(e) Review by board. The board shall review any appeal to a denial by the public services director of an application for an exception and shall take into account the same factors considered by the public services director. At such a hearing, the applicant and the public services director shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-210(1) shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.

(f) Good management practices. The public services director or board shall not grant an exception unless the applicant demonstrates to the board that good management practices (GMP) are being employed to reduce or prevent the contribution of pollutants to the POTW. GMP's include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quantity or increase the quality of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (Ord. #00-04, July 2000)

18-208. Wastewater discharge permits. (1) Applicability. The provisions of this ordinance are applicable to all industrial users of the POTW. The town has an "approved POTW pretreatment program" as that term is defined in 40 CFR, Part 403.3(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a national categorical pretreatment standard shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the EPA or the State of Tennessee regarding such categorical standards unless an exception for the town's program or for the specific industrial categories is authorized.

(2) Application and permit requirements. Prior to discharging non-domestic waste into the POTW, all significant industrial users of the POTW shall obtain a wastewater discharge permit. The industrial user shall request that the public services director determine if the proposed discharge is significant as defined in § 18-202. If the discharge is determined not to be significant, the public services director may still establish appropriate discharge

conditions for the user. Any noncategorical industrial user designated as significant may petition the public services director to be deleted from the list as significant on the grounds that there exists no potential for adverse effect on the POTW's operation or violation of any pretreatment standard or requirement.

All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the public services director, pay appropriate fees, and agree to abide by the provisions of this ordinance and any specific conditions or regulation established by the public services director. All original applications shall be accompanied by a report containing the information specified in § 18-208(3). All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the public services director when alterations or additions to the user's premises affect said plans.

(3) Report requirements. The report required for all significant industrial users by § 18-208(2) or other provisions of this ordinance shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the public services director a report which contains the information listed in subparagraphs (a) through (f) below within 180 days after the promulgation by the EPA of a national pretreatment standard under Section 307(b) or (c) of the Act. This report is called the Baseline Monitoring Report (BMR). Industrial users who are unable to achieve a discharge limit set forth in § 18-206 without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subparagraphs (a) through (g) of this section.

As specified, the report shall contain the following:

- (a) The name and address of the industrial user.
- (b) The location of the industrial user.
- (c) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.
- (d) The average and maximum flow in gallons per day of discharge from the industrial user to the POTW.
- (e) The nature and concentration of pollutants in the discharge from each regulated process, the type(s) of sample(s) collected (grab and/or composite), and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as approved by standard methods approved by the public services director. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted

concentration limit shall also be submitted to the public services director for approval.

(f) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to achieve compliance.

(g) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.

For purposes of this paragraph when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by § 18-206. For purposes of this paragraph, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-206.

(4) Incomplete applications. The public services director will act only on applications that are accompanied by a report which lists all the information required in § 18-208(3). Industrial users who have filed incomplete applications will be notified by the public services director that the application is deficient and the nature of the deficiency and will be given 30 days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the public services director, the public services director shall deny the application and notify the applicant in writing of such action.

(5) Evaluation of application. (a) Upon receipt of noncompleted applications, the public services director shall review and evaluate the applications and shall propose such special permit conditions as the public services director deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this ordinance and all other applicable laws and regulations. At a minimum, all industrial user permits must contain the following requirements (40 CFR part 403.8(f)(1)(iii)(A-E)):

(i) Statement of duration (in no case more than five years);

(ii) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(iii) Effluent limits based on applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and state and local law;

(iv) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and state and local law;

(v) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance due date beyond applicable federal deadlines.

(b) The public services director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

(i) Pretreatment requirements.

(ii) The average and maximum wastewater constituents.

(iii) Limits on rate and time of discharge for flow equalization.

(iv) Requirements for installation of inspection and sampling facilities.

(v) Specifications for self-monitoring procedures.

(vi) Requirements for submission of technical and/or discharge reports.

(vii) Requirements for records maintenance.

(viii) Average and maximum mass emission rates, or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.

(ix) Other conditions deemed appropriate by the public services director to ensure compliance with the ordinance or other applicable law or regulation.

(x) A reasonable compliance schedule, as determined by the public services director, up to one year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.

(xi) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises.

(xii) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(6) Notification of proposed permit conditions. (a) Upon completion of the evaluation, the public services director shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.

(b) The applicant shall have 45 days from and after the date of the public services director's recommendations for special permit conditions to review same and file written objections with the public services director in regard to any special permit conditions recommended. The public services director may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.

(c) If applicant files no objection to special permit conditions proposed by the public services director or a subsequent agreement is reached concerning same, the public services director shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

(7) Board to establish permit conditions. (a) In the event that the public services director cannot issue a permit pursuant to § 18-208(6) above, the public services director shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specifically convened meeting.

(b) The board shall schedule a hearing within 30 days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The public services director shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the public services director shall have the right to participate in the hearing and present any relevant evidence to the board concerning proposed special permit conditions or other matters being considered by the board.

(d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this ordinance or other applicable laws or regulations and direct the public services director to issue a wastewater discharge permit to the applicant accordingly.

(8) Compliance schedule and reporting requirements. The following conditions shall apply to the schedules required by § 18-208(5) of this ordinance:

(a) Schedule components. 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 requirements for the industrial user to meet the applicable pretreatment standards.

(b) Schedule intervals. No such increment shall exceed 9 months.

(9) Duration of permits. Wastewater discharge permits shall be issued for a time period not to exceed 5 years. Permits issued to industrial users pursuant to § 18-207(7) shall be issued for a period of 1 year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The public services director shall notify in writing any industrial user whom the public services director has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the public services director in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the town's NPDES permit, changes in §§ 18-206(10) or 18-206(11), changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the public services director at least 30 days prior to the effective date of the change. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the public services director in regard to any changed permit conditions as otherwise provided for in this ordinance.

(10) Transfer of permit. Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation, unless as approved by the public services director.

(11) Revocation of a permit. Any permit issued under the provisions of this ordinance is subject to modification, suspension, or revocation in whole or in part during its term for cause, including but not limited to, the following:

(a) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation.

(b) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts.

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Refusal of reasonable access to the user's premise for the purpose of inspection and monitoring. (Ord. #00-04, July 2000)

18-209. Inspections, monitoring, and entry. (1) Inspections, monitoring, and entry. (a) When required to carry out the objective of this ordinance, including but not limited to:

(i) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this ordinance;

(ii) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition;

(iii) Any requirement established under this section.

(b) The public services director shall require any industrial user to:

(i) Establish and maintain records;

(ii) Make reports;

(iii) Install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate;

(iv) Sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the public services director shall prescribe;

(v) Provide such other information as the public services director may reasonably require.

(c) Specific requirements under the provisions of paragraph (b) of this section shall be established by the public services director, or the board as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.

(d) The public services director or his authorized representative, employees of the State of Tennessee, and employees of the environmental protection agency shall, upon presentation of credentials:

(i) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records required to be maintained under this ordinance are located.

(ii) Have access at reasonable times to and copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.

(e) In the event any user denies the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the public services director by this ordinance, the public services director shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this ordinance.

(f) Any user failing or refusing to perform any duty imposed upon the user under the provisions of this section, or who denies the right to enter the user's premises for purposes of inspection, sampling, inspecting and copying records, or other such duties as may be imposed upon the user by this section, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this ordinance. A user who does not have an industrial waste discharge permit and denies the right to inspect as described herein is subject to having the sewer service in question terminated.

(2) Reports. (a) Progress reports. No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the public services director, including as a minimum, whether it complied with the increment of progress to be met on such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the public services director.

(b) 90 day compliance report. Within 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 industrial user subject to pretreatment standards and requirements shall submit to the public services director a report containing the information described in § 18-208(3)(d) through (f).

(c) Self-monitoring reports. (i) All significant industrial users shall submit to the public services director during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial user's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the public services director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the public services director may agree to alter the months during which the above reports are submitted.

(ii) The public services director, as applicable, may impose limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration or production rates and mass limits where requested by the public services director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the public services director as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the public services director.

All users who propose to discharge or who in the judgement of the POTW could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

(b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewater. If sampling or metering equipment is also required by the POTW, it shall be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. The POTW may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

(c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for POTW, State of Tennessee, or EPA personnel. There shall be ample room in or near such a facility to allow accurate sampling and compositing of

samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

(d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the public services director for review in accordance with accepted engineering practices. The public services director shall review the plans and other documents within 30 days and shall recommend any change deemed appropriate.

(e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(4) Sampling and analysis. (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.

(b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities. Grab samples must be used for pH, cyanide, phenols, oil and grease, sulfide, and volatile organics. All other samples shall be 24-hour flow proportional composite samples, unless otherwise specified.

(c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the public services director. Any change in monitoring location will be subject to the approval of the public services director.

(d) All analyses shall be performed in accordance with procedures established by the EPA under the provisions of Section 304(h) of the Act and contained 40 CFR Part 136 and its amendments or with any other test procedures approved by the EPA or the public services director. Sampling shall be performed in accordance with the techniques approved by EPA or the public services director.

(5) Dangerous discharge notification. (a) Telephone notification. Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the POTW, shall notify the public services director immediately by telephone. In the absence of the public services director, notification shall be given to the POTW employee then in charge of the treatment works. Such notification will not relieve the

user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

(b) Written report. Within 5 days following such an occurrence, the user shall provide the public services director with a detailed written report describing the cause of the dangerous discharge and 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 persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance 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 of a contact in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(6) Slug reporting. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by § 18-207(5), by the industrial user.

(7) Notification of hazardous waste discharge. (a) The user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance which is listed or characteristic waste under Section 3001 of RCRA. Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following 12 months. The notification must take place within 180 days after the July 24, 1990 promulgation date of the Domestic Sewage Study amendments to the Pretreatment Regulations. This requirement shall not apply to pollutants already reported under the self-monitoring requirements of § 18-209(2).

(b) Dischargers are exempt from the requirements of this paragraph during a calendar month in which they generate no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.5(2), (f), (g), and (j). Generation of more than 15 kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 CFR 261.5(3), (f), and (j).

(c) In the case of new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW of the discharge of such substance within 90 days of the effective

date of such regulations, except for the exemption in paragraph (b) of this section.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practical and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(8) Notification of changed discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the user has submitted initial notification under § 18-209(7).

(9) Provisions governing fraud and false statements. The reports required to be submitted under this section shall be subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Sections 309(c)(4) and (6) of the Act, as amended, governing false statements, representation, or certifications in reports required by the Act.

(10) Signatory requirements. The reports required by this section shall include a certification statement as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The reports shall be signed as follows:

(a) By a responsible corporate officer if the industrial user submitting the reports required by this section is a corporation. For the purpose of this paragraph, a responsible corporate officer is

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding

\$25 million if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting reports required by this section is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representation of the individual designated in paragraph (a) of this section if:

(i) The authorization is made in writing by the responsible corporate officer.

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field public services director, or a person in position of equivalent responsibility or with overall responsibility for environmental matters for the company.

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under paragraph (c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (c) of this section must be submitted to the public services director prior to or in conjunction with any reports to be signed by an authorized representative.

(11) Reporting of violation. If sampling performed by an industrial user indicates a violation, the user shall notify the public services director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the public services director within 30 days after becoming aware of the violation. The industrial user is not required to resample if one of the following criteria is met:

(a) The POTW performs sampling at the industrial user at a frequency of at least once per month.

(b) The POTW performs sampling at the user between the time when the user performs is initial sampling and the time when the user receives the results of this sampling.

(12) Reporting of all monitoring. If an industrial user subject to the reporting requirements in § 18-208(3) of this ordinance monitors any pollutant more frequently than required by the public services director using approved procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

(13) Notice of bypass. (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the public services director.

(b) An industrial user shall submit oral notice to the public services director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial 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 public services director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(14) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (b) The dates analyses were performed.
- (c) Who performed the analyses.
- (d) The analytical techniques/methods.
- (e) The results of the analyses.

(15) Retention period. Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make these records available for inspection and copying by the public services director, TDEC Director of the Division of Water Pollution Control, and EPA. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the public services director, the director, or the EPA.

(16) Confidential information. Any records, reports, or information obtained under this section shall

(i) In the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and

(ii) Be available to the public to the extent provided by 40 CFR, part 232. If, upon showing to the public services director by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the public services director has access under this section, would divulge

methods or processes entitled to protection as trade secrets of such person, the public services director shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this article. Such record, report, or information may be disclosed to officers, employees, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when relevant in any proceeding under this article or other applicable laws. (Ord. #00-04, July 2000)

18-210. Enforcement. (1) Hearings. (a) Any hearing or re-hearing brought before the mayor and board of aldermen shall be conducted in accordance with following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this section, the public services director shall give the petitioner 10 days written notice of the time and place of the hearing.

(ii) The hearing provided may be conducted by the mayor and board of alderman at a regular or special meeting. A quorum of the board must be present at the regular or special meeting in order to conduct the hearing.

(iii) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made pursuant to § 18-210(1)(a)(vi). The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the public services director to cover preparation fees.

(iv) In connection with the hearing, the chairperson of the board shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Carroll County shall have the jurisdiction upon the application of the public services director to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.

(v) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30

days following the close of the hearing by the person or persons designated by the chairperson.

(vi) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in § 18-210(1)(b).

(vii) Any person to whom an emergency order is directed shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such a hearing be held later than 3 days from the receipt of such a petition by the board.

(viii) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the disposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairperson to rule on such manners as would require a ruling by the court under said rules.

(ix) The public services director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the public services director, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(x) Any person aggrieved by an order or determination of the public services director where an appeal is not otherwise provided by this section may appeal said order or determination to be reviewed by the board under the provisions of this section. A written notice of appeal shall be filed with the public services director, and said notice shall set forth with particularity the action or inaction of the public services director complained of and the relief being sought by the person filing said appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the public services director on which is based the appeal until such time as the board has acted upon the appeal.

(xi) The vice chairperson or the chairperson pro tem shall possess all the authority delegated to the chairperson by this section when acting in their absence or place.

(b) An appeal may be taken from any final order or other final determination of the public services director or board by any party who

is or may be adversely affected thereby to the chancery court pursuant to the common law writ of certiorari set in Tennessee Code Annotated, § 27-8-101, within 60 days from the date such order or determination is made.

(2) Civil penalty. (a) (i) Any person or user who does any of the following acts or omissions shall be subject to a civil penalty of up to \$10,000 per day for each day during which the act or omission continues or occurs:

(A) Violates any effluent standard or limitation imposed by a pretreatment program.

(B) Violates the terms or conditions of a permit issued pursuant to a pretreatment program.

(C) Fails to complete a filing requirement of a pretreatment program.

(D) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.

(E) Fails to pay user or cost recovery charges imposed by a pretreatment program.

(F) Violates a final determination or order of the board.

(ii) Any civil penalty shall be assessed in the following manner:

(A) The public services director may issue an assessment against any person or user responsible for the violation.

(B) Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the public services director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the mayor and board of aldermen. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

(C) When any assessment becomes final because of a person's failure to appeal the public services director's assessment, the public services director may apply to the appropriate court for a judgement and seek execution of such judgement and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgement in the amount of the assessment. Civil penalties will be assessed based on the following criteria:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.

(2) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorney's fees incurred by the POTW as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.

(3) Cause of the discharge or violation.

(4) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.

(5) Effectiveness of action taken by the violator.

(6) The technical and economic feasibility of reducing or eliminating the discharge.

(7) The economic benefit gained by the violator.

(D) The public services director may institute proceedings for assessment in the name of the Town of Bruceton in the chancery court of the county in which all or part of the violation occurred.

(iii) The mayor and board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the public services director for certain specific violations or categories of violations.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of Environment and Conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(a)(F). Provided, however, the sum of the penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed \$10,000 per day for each day during which the act or omission continues to occur.

(3) Assessment of noncompliance. (a) The public services director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program.

(b) If an appeal from such assessment is not made to the public services director by the polluter or violator within 30 days of notification of such assessment, he 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 or any other sections of the ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the POTW. The public services director shall assess the expenses and damages incurred by the POTW to clear the obstruction, repair damage to the POTW, and otherwise rectify any impairment caused by the violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within 30 days, the public services director shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the POTW. If the person responsible refuses to pay, the public services director may apply to the appropriate court for a judgement and seek execution on such judgement. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgement in the amount of assessment.

(4) Judicial proceedings and relief. The public services director may initiate proceedings in the chancery court of the county in which the activities occurred against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any article of this ordinance, or any order of the public services director and/or board. In such action, the public services director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(5) Administrative enforcement remedies. (a) Notification of violation. When the public services director finds that any user has violated or is violating this article, or a wastewater permit or order issued hereunder, the public services director or his agent may serve upon the user a written notice of violation (NOV). Within 10 days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the public services director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

(b) Consent orders. The public services director 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 frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.

(c) Show-cause hearing. The public services director may order any user which causes or contributes to a violation of this ordinance, its wastewater permit, or any order issued hereunder, to show cause why a

proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause 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 10 days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the public services director finds that a user has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified 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 deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(e) Cease and desist orders. When the public services director finds that a user has violated or continues to violate this ordinance or any permit or order issued hereunder, the public services director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:

(i) Comply with the order.

(ii) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) Emergency termination of service. When the public services director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW, the public services director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the public services director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the public services director's order, the public services director may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The public services director may assess the person(s) responsible for the emergency condition for actual costs incurred by the public services director in meeting the emergency.

If the emergency action adversely affects the user, the public services director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the public services director may take any such authorized action should the proof warrant such action.

(6) Disposition of damage payments and penalties. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the town and allocated and appropriated to the sewer system for the administration of its pretreatment program.

(7) Vandalism. Any and all damages incurred by the POTW due to acts of vandalism will be prosecuted to the full extent of the law. (Ord. #00-04, July 2000)

18-211. Wastewater volume determination. (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the POTW shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the town and/or private meters installed and maintained at the expense of the user and approved by the town.

(2) Wastewater volume. When charges and fees based upon water usage and/or discharge and where, in the opinion of the POTW, a significant portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the town.

The users may install a meter of a type and at a location approved by the town to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the public services director.

(3) Estimated wastewater volume. For users where, in the opinion of the town, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the public services director or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the POTW shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and process flows from users for the purposes of calculating charges based on process wastewater flows alone, users shall install a meter of a type and at a location approved by the POTW. For users where, in the opinion of the

POTW, it is unnecessary or impractical to install such a meter, the volume of the domestic and process wastewater shall be based upon an estimate prepared by the user and approved by the POTW. (Ord. #00-04, July 2000)

18-212. Wastewater charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the town which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program in order that sufficient revenues are collected to defray the POTW's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation.

(2) Types of charges and fees. The charges and fees established in the town's schedule of charges and fees may include, but not be limited to, the following:

- (a) Sewer service line charges.
- (b) Tap fees.
- (c) Pretreatment program operating fees.
- (d) User charges.
- (e) Fees for monitoring requested by the user.
- (f) Fees for permit application.
- (g) Fees based on wastewater characteristics and constituents.
- (h) Fees for discharge of holding tank wastes.
- (i) Inspection fees.
- (j) Industrial user permit fees.

(3) Determination of charges. Charges and fees shall be based upon a minimum basic charge for each premise, computed on the basis of normal wastewater from a domestic premise with the following characteristics:

BOD ₅	-	300 mg/l
COD	-	600 mg/l
Suspended Solids	-	300 mg/l
Ammonia-Nitrogen	-	30 mg/l
Oil and Grease	-	100 mg/l

The charges and fees for all users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that user as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, suspended solids, oil and grease, and flow volume.

(4) User charges. Each user of the POTW's sewer system will be levied a charge for payment of indebtedness of the town and for the user's

proportionate share of the operation, maintenance, and replacement costs of the sewer system. A surcharge may be levied against those users with wastewater that exceeds the strength of normal wastewater as defined in this ordinance.

The user charge will be computed from a base charge plus applicable surcharge. The base charge will be the user's proportionate share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the town.

(a) Operation, maintenance, and replacement (OM&R) user charges. Each user's share of OM&R costs will be computed by the following formula:

$$C_u = (C_t / V_t) (V_u)$$

Where:

C_u	=	User's charge for OM&R per unit time.
C_t	=	Total OM&R costs per unit of time, less costs recovered from surcharges.
V_t	=	Total volume contribution from all users per unit time.
V_u	=	Volume contribution from individual user per unit time.

(b) Bonded indebtedness charges. Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and/or waste strength contribution to the system.

(c) User surcharges. The surcharge will be the user's proportionate share of the OM&R costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other pollutants in normal wastewater as listed in § 18-212(3) of this ordinance. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B) + (S_c \times S) + (P_c \times P) \times 8.34 \times V_u$$

Where:

C_s	=	Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.
B_c	=	OM&R cost for treatment of a unit of BOD ₅ expressed in dollars per pound.
B	=	Concentration of BOD ₅ from a user above the base level of 300 mg/l expressed in mg/l.
S_c	=	OM&R costs for treatment of a unit of suspended solids expressed in dollars per pound.

S	=	Concentration of suspended solids from a user above the base level of 300 mg/l, expressed in mg/l.
P _c	=	OM&R costs for treatment of a unit of any pollutant which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement, expressed in dollars per pound.
P	=	Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the public services director.
V _u	=	Volume contribution of a user per billing period in million gallons based on a 24 hour average for a billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the POTW is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

(d) Pretreatment program charges. Industrial users may be required to pay a separate pretreatment program charge. This charge will be based on the user's proportional share of the costs of administering the POTW pretreatment program, which includes costs incurred by the POTW for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$$C_u = (C_t / V_t) \times V_u$$

Where:	C _u	=	User's charge for POTW pretreatment program per unit time.
	C _t	=	Total POTW pretreatment program costs per unit time.
	V _t	=	Total volume contribution of permitted industrial users per unit of time.
	V _u	=	Volume contribution from a permitted industrial user per unit of time.

(5) Review of OM&R charges. The POTW shall review at least annually the wastewater contribution by users, the total costs of OM&R of the treatment works, and its approved user charge system. The POTW shall revise the user charges to accomplish the following:

(a) Maintain the proportionate distribution of OM&R costs among users or classes of users.

(b) Generate sufficient revenue to pay the total OM&R costs of the treatment works.

(c) Apply any excess revenues collected to the costs of OM&R for the next year and adjust rates accordingly.

(6) Charges for extraneous flows. The costs of operation and maintenance for all flow not directly attributable to users, e.g., infiltration/inflow, will be distributed proportionally among all users of the treatment works.

(7) Notification. Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to OM&R charges.

(8) Billing. Wastewater charges imposed by this ordinance shall be added to, included in, and collected with the monthly water service bills, and shall be due and payable monthly. This shall not affect the right of the POTW to collect wastewater charges from customers who utilize private or public water supplies from other utilities and who discharge wastewater to the POTW.

(9) Collection. Wastewater charges and fees imposed by this ordinance shall be collected by the town in a manner established by the public services director.

(10) Delinquent accounts. The town may discontinue water service to any customer who has a delinquent wastewater charge until such wastewater charge has been paid, except as provided by state or local law.

(11) Adjustments. The town shall make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of utility meters, leaks, or other recognized adjustments. (Ord. #00-04, July 2000)

18-213. Administration. (1) Board of aldermen and mayor. In addition to any other duty or responsibility otherwise conferred upon the board by this ordinance, the mayor and board of aldermen shall have the duty and power as follows:

(a) To recommend amendments or modifications to the provisions of this ordinance.

(b) To grant exceptions pursuant to the provisions of §§ 18-207 and 18-208, and to determine such issues of law and fact as are necessary to perform this duty.

(c) To hold hearings upon appeals from orders of actions of the public services director as may be provided under the provisions of this ordinance.

(d) To hold hearings related to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating hereto.

(e) To hold other hearings that may be required in the administration of this ordinance and to make determinations and issue orders necessary to effectuate the purposes of this ordinance.

(f) To request assistance from any officer, agent, or employee of the town and to obtain any necessary information or other assistance.

(g) The board, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the board.

(h) The chairperson shall be authorized to administer oaths to people giving testimony.

(2) Public services director. (a) Public services director and staff. The public services director and his/her staff shall be responsible for the administration of all parts of this section.

(b) Authority of public services director. The public services director shall have the authority to enforce all sections of this ordinance. He/she shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the POTW. The public services director shall be responsible for preparation of operating budgets subject to the normal budgetary processes of the town.

(c) Records. The public services director shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all wastewater discharge permits.

(d) Notice of national pretreatment standard. The public services director shall notify users identified in 40 CFR, Part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the public services director to notify users shall not relieve the users from the responsibility of complying with these regulations.

(e) Public participation notice. The public services director shall comply with the public participation requirements of 40 CFR, Part 425 in the enforcement of national pretreatment standards. The public services director shall at least annually provide public notification in the largest local newspaper of all significant industrial users which, during the previous 12 months, significantly violated applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(ii) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken during a 6-month period equal or exceed the product of the daily average maximum limit or average limit times the applicable TRC (TRC=1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants except pH).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the public services director believes has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of the POTW personnel and the general public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(v) Violation by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days of the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations which the public services director considers to be significant.

(f) Regulations and standards. The public services director may promulgate rules, regulations, and design criteria not inconsistent with this ordinance and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the public services director.

(g) Sewer credits. The public services director shall approve secondary meters and determine other kinds of sewer use charge credits.

(h) Approves new construction. The public services director shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (Ord. #00-04, July 2000)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

- 18-301. Purpose and policy.
- 18-302. Objectives.
- 18-303. Definitions.
- 18-304. Compliance with state law.
- 18-305. Regulated.
- 18-306. Permit required.
- 18-307. Inspections.
- 18-308. Correction of violations.
- 18-309. Required devices.
- 18-310. Nonpotable supplies.
- 18-311. Fees.
- 18-312. Penalty; discontinuance of water supply.
- 18-313. Provision applicable.

18-301. Purpose and policy. This chapter sets forth uniform requirements for the protection of the public water system for the Town of Bruceton, Tennessee from possible contamination, and enable the town to comply with all applicable local, state and federal laws, regulations, standards or requirements, including the Safe Drinking Water Act of 1974 (42 United States Code 300f *et seq.* Public Law 93-523) and the Rules and Regulations for Public Water Systems and Drinking Water Quality issued by the Tennessee Department of Environment and Conservation, Division of Water Supply.

18-302. Objectives. The objectives of this chapter are to:

- (1) To protect the public potable water system of Bruceton, Tennessee from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and nonpotable water systems, plumbing fixtures, and industrial piping systems;
- (3) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

18-303. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two (2") inches. Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two (2") inches.

(2) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side

of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems' shall be classified in six different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within 1700 ft. of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water system; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(13) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private

corporation organized or existing under the laws of this or any other state or country.

(14) "Potable water" shall mean water which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Bruceton waterworks system, which furnishes potable water to the town for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Superintendent" shall mean the Superintendent of Public Utilities for the Town of Bruceton or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the production, treatment, storage and distribution of water; and shall include all those facilities of the water system under the complete control of the water department, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying domestic water to points of use.

18-304. Compliance with state law. The superintendent shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Town of Bruceton shall comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720, as well as the Rules and Regulations for Public Water System and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, ongoing program to control these undesirable water uses.

18-305. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Bruceton Water Department unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the water department if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the superintendent of public utilities.

(3) If, in the judgment of the superintendent or his designated agent, an approved backflow prevention device is required at the town's water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the superintendent shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the superintendent or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Bruceton Water Department shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter.

18-306. Permit required. (1) New installations. No installation, alteration, testing or change shall be made of any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing a Cross Connection Control Devices Test Report with an installation/maintenance tag from the Bruceton Water Department. The installation/maintenance tag shall be installed on the device following installation and testing, and shall be removed only by personnel from the Bruceton Water Department at the time of inspection. One copy of the Cross Connection Control Devices Test Report shall be submitted to the Bruceton Water Department upon completion of the installation and testing.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approvals and a Cross Connection Control Devices Test Report and an installation/maintenance tag from the Bruceton Water Department. The installation/maintenance tag shall be installed on the device following alteration, repair and/or testing, and shall only be removed by personnel from the Bruceton Water Department.

18-307. Inspections. (1) The superintendent or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections shall be based on potential health hazards involved, and shall be established by the superintendent in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation.

(2) Right of entry for inspection. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Bruceton public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service.

18-308. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of the ordinance shall be allowed a reasonable time within which to comply with the provisions of this ordinance. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, an appropriate amount of time shall be assigned by the superintendent or his representative, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the superintendent shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health;

and may follow disconnection when the risk to the public health and safety, in the opinion of the superintendent, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this ordinance and Tennessee Code Annotated, § 68-13-711, within the time limits established by the superintendent or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on site piping in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the superintendent, warrants disconnection prior to a due process hearing.

18-309. Required devices. (1) Where the nature of the use of water supplied to a premises by the Bruceton water system is such that it is deemed:

(a) Impractical to provide an effective air-gap separation;

(b) The owner/occupant of the premises cannot or is not willing to demonstrate to the superintendent that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;

(d) There is likelihood that protective measures may be subverted, altered or disconnected;

(e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

(f) The plumbing from a private well enters the premises served by the public water system, then the superintendent shall require the use of an approved protective device on the water service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(2) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the superintendent, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all commercial and educational buildings, construction sites, all industrial,

institutional and medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly; except

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten (10) feet horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention shall be required.

(4) The superintendent or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person certified by the Tennessee Department of Environment and Conservation, Division of Drinking Water Supply, or its successor. Certification shall be for completion of special training and demonstration of competency in the installation, maintenance and testing of backflow prevention devices. Evidence of current certification shall be required at the time of permit application and installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions, and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the

superintendent, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve (12") inches plus the nominal diameter of the device above either:

(i) The floor,

(ii) The top of opening(s) in the enclosure or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty (60") inches.

(g) Clearance from wall surfaces or other obstructions shall be at least six (6") inches. Devices located in nonremovable enclosures shall have at least twenty-four (24") inches of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one (1") inch.

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault.

(l) All devices shall be adequately supported to prevent sagging.

(m) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(n) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(o) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by Hydrocowl or a Bruceton Water Department approved equal.

(ii) For backflow prevention devices up to and including two (2") inches, the enclosure shall be constructed of 5052-H32 aluminum, or an approved equal material, with a minimum of 1.5" factory manufactured polyisocyanurate insulation in the walls and roof. For backflow prevention devices 2-½" and larger, the enclosure shall be constructed of 5052-H32 aluminum, or an approved equal material, with a minimum of 1.5" factory manufactured polyisocyanurate insulation in the walls and 3" factory manufactured polyisocyanurate insulation in the roof. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two (2") inches, the enclosure shall be completely removable. Access for backflow prevention devices 2-½" and larger shall be provided through a minimum of two access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad as specified by the manufacturer, but in no case less than four (4") inches thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of +40° F with an outside temperature of -30°F and a wind velocity of 15 miles per hour.

(p) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one device has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases the superintendent may require the installation of a duplicate device.

(q) The superintendent shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel, possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water supply,

acceptable to the superintendent. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent.

(6) Testing of devices. Devices shall be tested at least annually by a qualified person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A copy of this certification shall be on file with the superintendent for any person installing, repairing or testing backflow prevention devices. Any person installing, repairing or testing backflow prevention devices shall also maintain on file with the superintendent a current copy of a valid certificate of liability insurance in an amount of not less than \$100,000.00. Records of all installations, repairs and testing shall be submitted to the cross connection program administrator upon completion. Personnel of the Bruceton Water Department shall have the right to inspect and/or test a device whenever deemed necessary by the superintendent. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. All testing and inspection services are to be at the expense of the owner or occupant of the premises.

18-310. Nonpotable supplies. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall not be interconnected by any means with the public water sytem.

18-311. Fees. A fee shall be assessed for all backflow prevention devices requiring inspection or testing. The amount of this fee shall be set and adjusted by the city council based on the recommendations of the superintendent to reflect the cost of providing an effective cross connection control program. The fee shall be assessed each time a device is installed, tested or inspected. Where repeated inspections are required to correct violations or deficiencies, the fee shall be assessed each time the inspection is repeated. The fees assessed shall be as follows:

- | | | |
|-----|-----------------------------------|--------|
| (1) | Installation/inspection fee | \$5.00 |
| (2) | Repair/maintenance/testing permit | \$5.00 |

18-312. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and subject to a fine of up to \$500.00 on the first offense and \$1,000.00 for each offense thereafter within a five year period. Each day of continued violation after conviction shall constitute a separate offense.

(2) Independent of and in addition to any fines or penalties imposed, the superintendent may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated.

18-313. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Bruceton public water system whether located inside or outside the corporate limits and are hereby made part of the conditions required to be met for the Bruceton Water Department to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the superintendent is entitled to a due process hearing upon timely request.

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. TELEPHONE SERVICE.
2. EMERGENCY ASSISTANCE.

CHAPTER 1

TELEPHONE SERVICE

SECTION

20-101. To be furnished under franchise.

20-101. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹See Ord. #85-18, Feb. 1986, available in the office of the recorder, which grants a franchise to Tennessee Telephone Company, Inc.

CHAPTER 2

EMERGENCY ASSISTANCE

SECTION

20-201. General policy statement.

20-202. Definitions.

20-203. Requesting assistance.

20-204. Responding to a request for emergency assistance.

20-205. Use of fire apparatus outside corporate limits.

20-206. Limiting condition.

20-201. General policy statement. The governing body of the Town of Bruceton (the "town") has deemed it to be in the best interest of the general health and welfare of the citizens of said town to provide an emergency assistance program under the provisions of the Local Government Emergency Assistance Act of 1987 of the State of Tennessee.

(1) The purpose of this document is to establish the policy and procedures that will govern the Town of Bruceton, Tennessee, and its department, agencies or activities in the process of requesting emergency assistance from another local governmental entity, or in responding to the request of another local governmental entity, either within or without the corporate limits of the town.

(2) The following sections establish the guidelines under which decisions and their extent of implementation will be made regarding emergency assistance. (Ord. #92-01, June 1992)

20-202. Definitions. (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 (the "Act") shall mean fire fighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense/emergency management assistance, or other emergency assistance provided by local government or any combination or all of these services requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, metropolitan government, county, county utility district, metropolitan airport authority, or other regional district or authority.

(3) "Requesting party" means a local government which requests emergency assistance.

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean the mayor, the chief of police, the fire chief, the superintendent of public utilities, the superintendent

of public works, or their designees, depending on the emergency response required. (Ord. #92-01, June 1992)

20-203. Requesting assistance. All request for emergency assistance made on behalf of the town shall be made or authorized by the mayor or his authorized representative. The town, through its appropriate senior officer, in accordance with the provisions of the act will be in full command of its emergency as to strategy, tactics and overall direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

(1) The town accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101 et seq., caused by the negligence of its employees or the employees (including authorized volunteers) of a responding party while under the command of the senior officer of the town; however; the town does not accept liability for damages to the equipment or personnel (including authorized volunteers) of a responding party, nor is the town liable for any damages caused by the negligence of the personnel of the responding party, while en route to or returning from the scene of the emergency.

(2) The town acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (Ord. #92-01, June 1992)

20-204. Responding to a request for emergency assistance. The town will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting governmental entity. All request for emergency assistance shall be made to the mayor, chief of police, fire chief, superintendent of public utilities, the superintendent of public works, or their principal assistants, as applicable, and, where possible, shall receive prior approval of the mayor.

(1) Upon the receipt of a request for aid as provided for in the preceding paragraph the town is authorized to respond as follows:

(a) The town is authorized to provide at least one (1) piece of equipment and one (1) person or crew from that particular service area from which emergency assistance is requested.

(b) The greatest response that the town will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested. The town's response shall be determined by the severity of the emergency in the requesting party's jurisdiction as reported by the senior officer of the requesting government.

(2) The town has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in

command at the scene of the emergency or of the appropriate senior officer (department head) of that service for the town, or of the mayor.

(3) In cases where two or more request for emergency assistance are made at the same time, the appropriate senior officer of the town shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond to the request. The appropriate senior officer may determine to send all available, allowable resources to the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

(4) The town accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101 et seq., for any damages to its equipment and personnel in responding to a request for emergency assistance and of damages caused by its equipment or personnel while en route to or returning from the scene of the emergency; however, the town shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

(5) The personnel of the town shall have extended to them to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the Worker's Compensation Laws, which they have in the town. (Ord. #92-01, June 1992)

20-205. Use of fire apparatus outside corporate limits. Provisions concerning the response of the town's fire apparatus to request from private parties (non-governmental entities) outside the corporate limits are contained in Bruceton Municipal Code, § 7-204. (Ord. #92-01, June 1992)

20-206. Limiting condition. Emergency assistance request or responses will be made only with those local governmental entities that have also adopted policies and procedures that govern their actions during such requests or responses. (Ord. #92-01, June 1992)

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
<u>BOARD OF MAYOR AND ALDERMEN</u>		
Time and place of regular meetings	1-101	1-101
Order of business	1-102	1-102
General rules of order	1-103	1-103
<u>MAYOR</u>		
Generally supervises town's affairs	1-201	1-201
Executes town's contracts	1-202	1-202
<u>RECORDER</u>		
To be bonded	1-301	1-301
To keep ordinance book	1-302	1-302
To perform general administrative duties, etc.	1-303	1-303
To charge for copies of official records	1-304	1-304
<u>POLICE AND ARREST</u>		
Policemen subject to chief's orders	1-401	6-101
Policemen to preserve law and order	1-402	6-102
Policemen to wear uniforms, etc.	1-403	6-103
When policemen to make arrests	1-404	6-104
Policemen may require assistance in making arrests	1-405	6-105
Disposition of persons arrested	1-406	6-106
Police department records	1-407	6-107
<u>TOWN JUDGE</u>		
Town judge	1-501	3-101
Maintenance of docket	1-502	3-201
Issuance of arrest warrants	1-503	3-301
Issuance of summonses	1-504	3-302
Issuance of subpoenas	1-505	3-303
Trial and disposition of cases	1-506	3-205
Appearance bonds	1-507	3-401
Imposition of fines, etc.	1-508	3-202
Appeals	1-509	3-402
Bond amounts, etc.	1-510	3-403
Disposition of fines, etc.	1-511	3-203

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
Disturbance of proceedings	1-512	3-204
<u>WORKHOUSE</u>		
County workhouse to be used	1-601	Deleted
Inmates to be worked	1-602	Deleted
Compensation of inmates	1-603	Deleted
<u>SOCIAL SECURITY</u>		
Policy and purpose as to coverage	1-701	4-101
Necessary agreements to be executed	1-702	4-102
Withholdings from salaries or wages	1-703	4-103
Appropriations for employer's contributions	1-704	4-104
Records and reports to be made	1-705	4-105
Exclusions	1-706	4-106
<u>MISCELLANEOUS REGULATIONS-CITY PERSONNEL</u>		
Superseded by Ord. #95-09. New ordinance appears as chapter 2 of title 4.		
<u>OCCUPATIONAL SAFETY AND HEALTH PROGRAM</u>		
Title	1-801	4-301
Purpose	1-802	4-302
Definitions	1-803	4-303
Coverage	1-804	4-304
Employer's rights and duties	1-805	4-305
Employee's rights and duties	1-806	4-306
Standards authorized	1-807	4-307
Variations from standards authorized	1-808	4-308
Imminent danger	1-809	4-309
Inspection	1-810	4-310
Citation and hearing	1-811	4-311
Penalties	1-812	4-312
Recordkeeping and reporting	1-813	4-313
Administration	1-814	4-314
Compliance with other laws, etc.	1-815	4-315
<u>INTOXICATING LIQUORS</u>		
Prohibited generally	2-101	8-101

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
<u>BEER</u>		
Superseded by Ord. #00-01. New ordinance appears as chapter 2 of title 8.		
<u>ANIMAL CONTROL</u>		
Running at large prohibited	3-101	10-101
Keeping near a residence or business restricted	3-102	10-102
Pen or enclosure to be kept clean	3-103	10-103
Adequate food, etc., to be provided	3-104	10-104
Keeping in such manner as to be a nuisance prohibited	3-105	10-105
Cruel treatment prohibited	3-106	10-106
Inspection of premises	3-107	10-107
<u>DOGS</u>		
Rabies vaccination and registration required	3-201	10-201
Dogs to wear tags	3-202	10-202
Running at large prohibited	3-203	10-203
Vicious dogs to be securely restrained	3-204	10-204
Noisy dogs prohibited	3-205	10-205
Confinement of dogs suspected of being rabid	3-206	10-206
Seizure and disposition of dogs	3-207	10-207
<u>BUILDING PERMITS</u>		
Building permit required	4-101	12-101
Application	4-102	12-102
Notice to and objections, etc.	4-103	Deleted
Building permit forms	4-104	12-103
Permit fee	4-105	12-104
Criteria	4-106	Deleted
<u>MOBILE HOME PERMITS</u>		
Mobile homes generally	4-201	Deleted
Grandfather clause	4-202	Deleted
Mobile homes and mobile home parks defined	4-203	Deleted
Creation of future trailer parks	4-204	Deleted
Notice to and objections, etc.	4-205	Deleted
Permit forms	4-206	Deleted

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
Criteria	4-207	Deleted
<u>BUSINESS, PEDDLERS, ETC. - MISCELLANEOUS</u>		
Going out of business sales	5-101	9-101
<u>PEDDLERS, ETC.</u>		
Permit required	5-201	9-201
Exemptions	5-202	9-202
Application for permit	5-203	9-203
Issuance or refusal of permit	5-204	9-204
Appeal	5-205	9-205
Bond	5-206	9-206
Loud noises and speaking devices	5-207	9-207
Use of streets	5-208	9-208
Exhibition of permit	5-209	9-209
Policemen to enforce	5-210	9-210
Revocation or suspension of permit	5-211	9-211
Reapplication	5-212	9-212
Expiration and renewal of permit	5-213	9-213
<u>CHARITABLE SOLICITORS</u>		
Permit required	5-301	9-301
Prerequisites for a permit	5-302	9-302
Denial of a permit	5-303	9-303
Exhibition of permit	5-304	9-304
<u>TAXICABS</u>		
Taxicab franchise and privilege license required	5-401	9-401
Requirements as to application and hearing	5-402	9-402
Liability insurance required	5-403	9-403
Revocation or suspension of franchise	5-404	9-404
Mechanical condition of vehicles	5-405	9-405
Cleanliness of vehicles	5-406	9-406
Inspection of vehicles	5-407	9-407
License and permit for drivers	5-408	9-408
Qualifications for driver's permit	5-409	9-409

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
Revocation or suspension of driver's permit	5-410	9-410
Drivers not to solicit business	5-411	9-411
Parking restricted	5-412	9-412
Drivers to use direct routes	5-413	9-413
Taxicabs not to be used for illegal purposes	5-414	9-414
Prohibited conduct by drivers	5-415	9-415
Transportation of more than one passenger at the same time	5-416	9-416
<u>POOL ROOMS</u>		
Prohibited in residential areas	5-501	9-501
Hours of operation regulated	5-502	9-502
Minors to be kept out; exception	5-503	9-503
<u>TRAILER COACH PARKS</u>		
Definitions	5-601	14-301
License required	5-602	14-302
License fees	5-603	14-303
Application	5-604	14-304
Trailer coach park plan	5-605	14-305
Location	5-606	14-306
Water supply	5-607	14-307
Sanitation facilities	5-608	14-308
Laundry facilities	5-609	14-309
Sewage and refuse disposal	5-610	14-310
Garbage receptacles	5-611	14-311
Fire prevention	5-612	14-312
Animals and pets	5-613	14-313
Register of occupants	5-614	14-314
Revocation of license	5-615	14-315
Posting of license	5-616	14-316
<u>FINANCE AND TAXATION-MISCELLANEOUS</u>		
Official depository for funds	6-101	5-101
<u>REAL AND PERSONAL PROPERTY TAXES</u>		
When due and payable	6-201	5-201

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
<u>PRIVILEGE TAXES</u>		
Tax levied	6-301	5-301
License required	6-302	5-302
<u>WHOLESALE BEER TAX</u>		
To be collected	6-401	5-401
<u>FIRE DISTRICT</u>		
Fire limits described	7-101	7-101
Building restrictions in fire limits	7-102	7-302
Use of explosives	7-103	7-203
<u>VOLUNTEER FIRE DEPARTMENT</u>		
Establishment, equipment, and membership	7-301	7-201
Objectives	7-302	7-202
Organization, rules and regulations	7-303	7-203
Records and reports	7-304	7-204
Tenure and compensation of members	7-305	7-205
Chief responsible for training, etc.	7-306	7-206
Equipment to be used only within corporate limits generally	7-307	7-301
Chief to be assistant to state officer	7-308	7-207
<u>PROPERTY MAINTENANCE REGULATIONS-MISCELLANEOUS</u>		
Health officer	8-101	13-101
Adulterated food	8-102	Omitted
Communicable diseases	8-103	Omitted
Smoke, soot, cinders, etc.	8-104	13-104
Stagnant water	8-105	13-105
Weeds, etc.	8-106	13-106
Health and sanitation nuisances	8-107	13-107
<u>REFUSE</u>		
Definitions	8-201	17-101
Preparation of refuse for collection	8-202	17-102
Location of containers	8-203	17-103
Industrial wastes, etc., not to be collected	8-204	17-104
Dead animals disposal	8-205	17-105
Garbage collection schedule	8-206	17-106

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
Service fees	8-207	17-107
Service fees mandatory	8-208	17-108
Charges for garbage service to be included on water bill	8-209	17-109
City only may collect garbage; exceptions	8-210	17-110
Litter, waste, etc.	8-211	17-111
Official sanitary landfill	8-212	17-112
Burning of garbage, etc.	8-213	17-113
Supervision of collection	8-214	17-114
Penalties	8-215	17-115

SEWAGE AND HUMAN EXCRETA DISPOSAL

Definitions	8-301	
Places required to have sanitary disposal	8-302	Chapter deleted
When connection to public sewer required	8-303	
When septic tank shall be used	8-304	
Registration and records of septic tank cleaners, etc.	8-305	
Use of pit privy, etc.	8-306	
Approval and permit required for septic tanks, privies, etc.	8-307	
Owner to provide disposal facilities	8-308	
Occupant to maintain disposal facilities	8-309	
Only specified methods of disposal to be used	8-310	
Discharge of into watercourses prohibited	8-311	
Pollution of ground water by prohibited	8-312	
Enforcement of chapter	8-313	
Carnivals, circuses, etc.	8-314	
Violations	8-315	

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

Definitions	8-401	
Standards	8-402	Chapter deleted
Construction, operation, and supervision	8-403	
Statement required	8-404	
Inspections required	8-405	
Right of entry for inspections	8-406	

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
Correction of existing violations	8-407	
Use of protective devices	8-408	Chapter
Unpotable water to be labeled	8-409	deleted
Violations	8-410	
<u>MOTOR VEHICLES - MISCELLANEOUS</u>		
Motor vehicle requirements	9-101	15-101
Authorized emergency vehicles defined	9-102	15-201
Operation of authorized emergency vehicles	9-103	15-202
Following emergency vehicles	9-104	15-203
Running over fire hoses	9-105	15-204
Driving on streets closed for repairs, etc.	9-106	15-102
Reckless driving	9-107	15-103
Driving under the influence	9-108	Omitted
Unlaned streets	9-109	15-104
Laned streets	9-110	15-105
Yellow lines	9-111	15-106
Miscellaneous traffic-control signs, etc.	9-112	15-107
General requirements for traffic signs, etc.	9-113	15-108
Unauthorized traffic control signs, etc.	9-114	15-109
Presumption with respect to traffic signs	9-115	15-110
School safety patrols	9-116	15-111
Driving through funerals, etc.	9-117	15-112
Damaging pavements	9-118	15-120
Clinging to vehicles in motion	9-119	15-113
Riding on outside of vehicles	9-120	15-114
Backing vehicles	9-121	15-115
Projections from rear of vehicles	9-122	15-116
Causing unnecessary noise	9-123	15-117
Vehicles and operators to be licensed	9-124	15-118
Passing	9-125	15-119
<u>SPEED LIMITS</u>		
In general	9-201	15-301
At intersections	9-202	15-302
In school zones	9-203	15-303

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
In congested areas	9-204	15-304
<u>TURNING MOVEMENTS</u>		
Signals	9-301	15-401
Right turns	9-302	15-402
Left turns on two-way roadways	9-303	15-403
Left turns on other than two-way roadways	9-304	15-404
U-turns	9-305	15-405
<u>STOPPING AND YIELDING</u>		
Approach of emergency vehicles	9-401	15-501
When emerging from alleys	9-402	15-502
To prevent intersection obstruction	9-403	15-503
At railroad crossings	9-404	15-504
At “stop” signs	9-405	15-505
At “yield” signs	9-406	15-506
At traffic control signals generally	9-407	15-507
At flashing traffic-control signals	9-408	15-508
Stops to be signaled	9-409	15-509
<u>PARKING</u>		
Generally	9-501	15-601
Angle parking	9-502	15-602
Occupancy of more than one space	9-503	15-603
Where prohibited	9-504	15-604
Loading and unloading zones	9-505	15-605
Presumption with respect to illegal parking	9-506	15-606
<u>MOTOR VEHICLES - ENFORCEMENT</u>		
Impoundment of vehicles	9-601	15-704
Issuance of traffic citations	9-602	15-701
Failure to obey citation	9-603	15-702
Illegal parking	9-604	15-703 and 15-705
<u>OFFENSES - MISCELLANEOUS</u>		
Misdemeanors of the state adopted	10-101	11-706

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
<u>OFFENSES - ENUMERATED</u>		
Assault and battery	10-201	Omitted
Disturbing the peace	10-202	11-301
Disorderly houses	10-203	Omitted
Immoral conduct	10-204	Omitted
Obscene literature, etc.	10-205	Omitted
Indecent or improper dress	10-206	Omitted
Window peeping	10-207	Omitted
Profanity	10-208	Omitted
Escape from custody or confinement	10-209	Omitted
Resisting or interfering with an officer	10-210	Omitted
Impersonating a government officer, etc.	10-211	11-401
Weapons and firearms generally	10-212	11-503
Air rifles, etc.	10-213	11-501
Throwing of missiles	10-214	11-502
Gambling	10-215	Omitted
Promotion of gambling	10-216	Omitted
False emergency alarms	10-217	11-402
Loitering	10-218	Omitted
Prowling	10-219	Omitted
Vagrancy	10-220	Omitted
Trespassing on trains	10-221	11-602
Minors in beer places	10-222	11-102
Abandoned refrigerators, etc.	10-223	11-701
Curfew for minors	10-224	11-704
Malicious mischief	10-225	11-603
Posting notices, etc.	10-226	11-703
Public drunkenness	10-227	Omitted
Drinking beer, etc., on streets	10-228	11-101
Spitting	10-229	Omitted
Coercing people not to work	10-230	11-403
Caves, wells, cisterns, etc.	10-231	11-702
Interference with traffic	10-232	11-604
Antinoise regulations	10-233	11-302

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
Fortune telling, etc.	10-234	11-201
Tampering with town's papers	10-235	11-705
Trespassing	10-236	11-601
<u>MUNICIPAL PLANNING COMMISSION</u>		
Creation and membership	11-101	14-101
Organization, powers, duties, etc.	11-102	14-102
Additional powers	11-103	14-103
<u>STREETS AND SIDEWALKS, ETC. - MISCELLANEOUS</u>		
Obstructing streets, etc.	12-101	16-101
Trees projecting over streets, etc.	12-102	16-102
Trees, etc., obstructing view	12-103	16-103
Banners and signs across streets and alleys	12-104	16-104
Gates or doors opening over streets, etc.	12-105	16-105
Obstruction of drainage ditches	12-106	16-106
Abutting occupants to keep sidewalks clean	12-107	16-107
Parades, etc., regulated	12-108	16-108
Operation of trains at crossings regulated	12-109	16-109
Animals and vehicles on sidewalks	12-110	16-110
Fires in streets, etc.	12-111	16-111
Riding roller skates, etc.	12-112	16-112
<u>EXCAVATIONS AND CUTS</u>		
Permit required	12-201	16-201
Applications	12-202	16-202
Fee	12-203	16-203
Deposit or bond	12-204	16-204
Manner of excavating, etc.	12-205	16-205
Restoration of streets, etc.	12-206	16-206
Insurance	12-207	16-207
Time limits	12-208	16-208
Supervision	12-209	16-209
Driveway curb cuts	12-210	16-210
<u>WATER AND SEWERS</u>		
Application and scope	13-101	18-101
Definitions	13-102	18-102

Town of Bruceton Parallel Reference Table

Subject	Old code §	New code §
Permit and supervision required, etc.	13-103	18-103
Deposit required	13-104	18-104
Sewer inspection fee	13-105	18-105
Sewer connection fee	13-106	18-106
Water connection fees	13-107	18-107
Cutoffs required	13-108	18-108
Installation of lateral sewer lines, etc.	13-109	18-109
Water and sewer main extensions	13-110	18-110
Variances, etc.	13-111	18-111
Meters	13-112	18-112
Meter tests	13-113	18-113
Water rates	13-114	18-114
Sewer service charges	13-115	18-115
Multiple services through a single meter	13-116	18-116
Billing	13-117	18-117
Discontinuance or refusal of service	13-118	18-118
Re-connection charge	13-119	18-119
Termination of service by customer	13-120	18-120
Access to customer's premises	13-121	18-121
Inspections	13-122	18-122
Customer's responsibility for property	13-123	18-123
Customer's responsibility for violations	13-124	18-124
Supply and resale of water	13-125	18-125
Unauthorized use of water supply	13-126	18-126
Damages to property due to water pressure	13-127	18-127
Liability for cutoff failures	13-128	18-128
Restricted use of water	13-129	18-129
Interruption of service	13-130	18-130

SUPPLEMENTARY SEWER REGULATIONS

General provisions	13-201	
Regulations	13-202	Chapter
Fees	13-203	deleted
Administration	13-204	
Private sewage disposal, etc.	13-205	
Building sewers and connections	13-206	
Enforcement	13-207	
Penalties and costs	13-208	

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The Mayor and Board of Aldermen of the Town of Bruceton met in called session on Monday, March 26, 2001 at 6:00 a.m. in the Bruceton City Hall. Present and presiding were the Honorable Mayor Robert T. Keeton III, Vice-Mayor Bob Clark, and Aldermen Joe Bishop, Stanley Cole, Dan Young, and Ernest Thorne, Jr. Also in attendance was Town Recorder Tony Lancaster, Attorney Donald Parish, Police Chief Ronnie Stewart, and Director of Public Services Brian Edwards. Mayor Keeton called the meeting to order.

Ordinance 01-02, Bruceton Municipal Code, Second and Final Reading. Motion to pass on second reading made by Alderman Bishop and seconded by Vice-Mayor Clark. Roll Call Vote: Thorne...yes Clark...yes Young...yes Bishop...yes Cole...yes. This reading takes into account the item seven of the original code being dismissed.

Mayor Keeton asked the board for their input on the budget for the upcoming year. Mayor Keeton reminded the board of the decrease in property tax due to H.I.S. taxes not being paid, and asked them to consider whether they wanted to try to run the town on a deficit budget or make the necessary adjustments. The current tax rate is \$1.17. \$1.33 would bring us up to \$177,258. \$1.55 would bring it up to about \$204,000 or \$206,000. These were figured by Johnny Radford. The board discussed several other ideas for building funds and for saving funds.

Garbage truck discussion. Brian has checked with Stringfellow in Nashville about the value of the garbage truck as is. They said probably \$16,000, realistically. They get 10% of the sale price if they sell the truck. On another side, Tony and Brian checked into Stringfellow changing out the beds on the truck. They will swap for \$1000 to \$1500 for the dump bed. Motion to change out the beds at Stringfellow made by Vice-Mayor Clark. Motion seconded by Alderman Cole. All Aye Votes.

Next budget meeting set for April 17, 2001 at 6:00 a.m.

No more business, meeting adjourned. 4-3-01 *RP*

Tony Lancaster

The Mayor and Board of Aldermen met in called session on Tuesday, April 3, 2001 at 3:00 p.m. in the Bruceton City Hall. Present and presiding were the Honorable Mayor Robert T. Keeton III, Vice-Mayor Bob Clark, and Aldermen Dan Young, Stanley Cole, Joe Bishop and Ernest Thorne. Tony Lancaster, Brian Edwards, and business owner Jeff Mebane were also present.

Mayor Keeton explained to the board that he had been contacted by Mr. Harry Webb of American Tower Management, Inc. He has been in town looking for a couple of days checking into the possibility of building a cellular tower in this area. He was shown some city property up by the new park currently used for storage. He would like to purchase the option to build a tower. The option would pay \$400. The plan is to have the tower constructed this year. The initial offer is \$25,000 up front for a 50 year lease. Mayor Keeton stated that he hoped to negotiate something above and beyond that. He asked the board for their permission to negotiate along with Doanld Parish for favorable terms with this company to place a tower in town. This would mean some much needed revenue for the city. It would also help the cell phone service in this community. The provider using the tower would rent space from the tower company. The builder is an independent company who will lease space to any provider who wishes to service this area. Mr. Webb stated that there was one provider already interested in servicing this area, but would not name the company. This will not exclude any provider. The location projected for this tower is to the right of the main entrance to the new park. Alderman Thorne stated that he felt leasing was a better option than purchasing, with the possibility of more than \$25,000. Mr. Webb also stated that they would lease or purchase with the lease being a minimum of 50 years up to 99 years. At the expiration of the lease term, they would purchase the property for a specific amount. Mayor Keeton told board that they would have to survey the sight before determining whether to build free standing or guyed tower. Mayor Keeton also assured the board that the lease would contain an indemnity clause concerning theft, etc. Alderman Thorne stated that he had looked at several over the weekend, they were all free standing. Mayor Keeton stated that he felt the city should get a fee for each provider that uses the tower. Alderman Bishop made a motion to permit Mayor Keeton to negotiate with this company. Alderman Young seconded the motion. All Aye Votes.

Motion to adjourn made by Vice-Mayor Clark, seconded by Alderman Bishop. All Aye Votes.

Adj. 4-5-01 RP

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF BRUCETON TENNESSEE.

WHEREAS some of the ordinances of the Town of Bruceton are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Bruceton, 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 "Bruceton Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BRUCETON:

Section 1. Ordinances codified. The ordinances of the town 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 "Bruceton Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing 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 town; 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 town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, _____, 200__.

Passed 2nd reading, _____, 200__.

Mayor

Recorder