THE

DECATUR

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

July 2005

Change 2, January 13, 2015

TOWN OF DECATUR, TENNESSEE

MAYOR

Jeff Landrum

VICE MAYOR

Ray Melton

ALDERMEN

Becky Haney

Wayne Irwin

Brent Maddron

Bryan Peaden

Mitch Vincent

Shirley Wright

RECORDER

Laura Smith

PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the 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 Administrative Specialist and Rachel Coykendall and Nancy Gibson, Program Resource Specialists, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

All ordinances shall begin with the clause, "Be it ordained by the Board of Mayor and Aldermen of the town of Decatur, Tennessee." An ordinance may be introduced by the Mayor or any of the six Aldermen. The body of ordinances may be omitted from the minutes on first passage, but reference therein shall be made to the ordinance by title and subject matter. Every ordinance shall be passed on two different days, at regular, special or adjourned meetings, with at least one passage occurring at a regular meeting. Copies of the text of every ordinance must be made available to the public during every meeting in which the ordinance is subject to passage. Every ordinance must receive at least, a majority vote on each passage as defined in Section 10 of this Article. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the Mayor, and shall be immediately taken charge of by the Recorder and numbered, copied in an ordinance book and there authenticated by the signature of the Recorder, and filed and preserved in the Recorder's office. [Priv. Acts 2003, ch. 58, Art. IV, § 11]

TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN[2]

SECTION

1-101. Compensation of board of mayor and aldermen.[3] Effective June 1, 2009, the salary of the mayor shall be three hundred dollars ($300.00) per month and each alderman shall receive one hundred dollars ($100.00) per regular monthly meeting and fifty dollars ($50.00) per called meeting or workshop. Any aldermen failing to attend a regular meeting, called meeting or workshop of the board of mayor and aldermen shall not receive compensation for meeting he/she fails to attend. (1970 Code, § 1-105, modified, as replaced by Ord. #149, Sept. 2006)

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[1]Charter references
See the charter index, the charter itself, and footnote references to the charter in the front of this code.
Municipal code references
Building, plumbing, and gas inspectors: title 12.
Fire department: title 7.
Utilities: title 18.
Wastewater treatment: title 18.
Zoning: title 14.

[2]Charter reference
Board of mayor and aldermen: art. IV.

[3]Charter reference
Compensation: art. IV, § 2

1-102. 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. (1970 Code, § 1-106, modified)

1-103. 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) Approval 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 governing body and other officers.
(7) Old business.
(8) New business.
(9) Adjournment. (1970 Code, § 1-107, modfied)

1-104. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1970 Code, § 1-108, modified)

CHAPTER 2

MAYOR[1]

SECTION

1-201. Duties of mayor. (1) The mayor:

(a) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;

(b) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;

(c) (i) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability.

(ii) The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in this charter.

(d) (i) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(ii) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(e) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(f) As a member of the board, may make motions but shall vote only in case of a tie;

(g) Shall make appointments to boards and commissions as authorized by law.

(2) Unless otherwise designated by the board by ordinance, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(a) Those duties set forth in Article V, § 1 of the charter, if the board does not appoint a town administrator or if someone else is not designated by the board to perform those duties;

(b) (i) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

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[1]Charter references

Powers and duties of mayor, etc.: art. IV, § 3

(ii) Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;

(c) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board in accordance with the general law;

(d) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance; and

(e) Such other duties as may be designated or required by the board.

CHAPTER 3

RECORDER[1]

SECTION

1-301. To be bonded. The recorder shall be bonded in the sum of no less than eighty thousand dollars ($80,000.00), with surety acceptable to the board of aldermen, before assuming the duties of his office. (1970 Code, § 1-301, modified)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1970 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 municipality which are not expressly assigned by the charter, this code, or the board of aldermen to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1970 Code, § 1-303)

1-304. To be treasurer. (1) The recorder shall be the treasurer of the town.

(2) The treasurer shall keep such office hours as prescribed by the board of aldermen.

(3) The treasurer shall be responsible for all bookkeeping of the town's records and business.

(4) The treasurer shall be responsible for collection of all revenue and income for the town, including collection of taxes, privilege licenses, income from the water system and any and all records involving receipts and disbursements of the town.

(5) The treasurer shall countersign all checks with the mayor for disbursement of any funds belonging to the town.

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[1]Charter reference
Recorder: art. VII.

(6) The treasurer shall make such reports to the board of aldermen as required by the board for any business of the town.

(7) The treasurer shall make out the town tax books and submit a report of the town tax assessment to the mayor and board of aldermen for approval. (1970 Code, § 1-404, modified)

CHAPTER 4

CODE OF ETHICS

SECTION

CHAPTER 4

CODE OF ETHICS[1]

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[1]State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.
Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated,§ 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated,§ 8-47-101 and the following

(continued...)

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #152, Oct. 2006)

1-402. Definition of"personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

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

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #152, Oct. 2006)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself[1] from voting on the measure. (as added by Ord. #152, Oct. 2006)

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[1](...continued)
sections.

A brief synopsis of each of these laws appears in the appendix of the municipal code.

[1]Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #152, Oct. 2006)

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #152, Oct. 2006)

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #152, Oct. 2006)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #152, Oct. 2006)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #152, Oct. 2006)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #152, Oct. 2006)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

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

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #152, Oct. 2006)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed

official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #152, Oct. 2006)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. PARKS AND RECREATION ADVISORY BOARD.

CHAPTER 1

PARKS AND RECREATION ADVISORY BOARD

SECTION
2-101. Creation of board.
2-102. Membership and terms.
2-103. Officers.
2-104. Powers and duties.
2-105. Park rules and regulations.

2-101. Creation of board. Pursuant to Tennessee Code Annotated, § 11-24-103(b)(1), there is hereby created a Parks and Recreation Advisory Board (board) for the Town of Decatur, Tennessee. (as added by Ord. #147, June 2006)

2-102. Membership and terms. The board shall consist of five (5) members to be appointed by the mayor. Members shall serve without pay. Except for the initial appointments, the term of each member shall be for five (5) years, or until their successors are appointed. The members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, so that the term of one (1) member expires each year. A member shall be eligible for reappointment at the expiration of his/her term. Vacancies on the board occurring other than by expiration of a member's term shall be filled by the mayor for the duration of the unexpired term. Any member who is absent from three (3) consecutive meetings without justification may be removed from the board by the board of mayor and aldermen. (as added by Ord. #147, June 2006)

2-103. Officers. (1) The officers of the board shall consist of a chairman, vice-chairman, and secretary. Officers shall be elected by the board at the regular meeting in January of each year

(2) The chairman shall preside at all meetings of the board and shall perform such other duties as the board shall authorize. The chairman shall exercise his/her voice and vote as a member of the board.

(3) The vice-chairman shall assume the duties of the chairman during his/her absence.

(4) The secretary shall keep minutes of all meetings and perform other duties as the board shall authorize.

(5) Should the office of vice-chairman become vacant, the board shall elect a successor to the position. (as added by Ord. #147, June 2006)

2-104. Powers and duties. The board shall have the following powers and duties:

(1) Advise the board of mayor and aldermen in the supervision, control, and operation of the parks and recreation system of the Town of Decatur.

(2) Propose a budget to the board of mayor and aldermen for the adequate operation and maintenance of the parks and recreation system.

(3) Recommend to the board of mayor and aldermen the employment of personnel necessary to conduct recreation programs and provide for the operation and maintenance of the parks.

(4) Make recommendations to the board of mayor and aldermen as to the sale and purchase of lands for parks and recreation purposes.

(5) Recommend to the board of mayor and aldermen proposed fees and charges to be established or amended in connection with the operation of the parks and recreation system and shall recommend policy for the operation of the concessions, if any, in the parks or other recreational facilities.

(6) The board shall be without the power or authority to incur any indebtedness.

(7) The board shall not be responsible for the expenditure of public funds.

(8) The board may act on behalf of the board of mayor and aldermen on any of the matters listed in this section, on a case by case basis, if so authorized by the board of mayor and aldermen. (as added by Ord. #147, June 2006)

2-105. Park rules and regulations. The board may recommend to the board of mayor and aldermen rules and regulations for the protection, operation and control of parks and other recreational facilities under the control of the Town of Decatur. No rules or regulations adopted shall be contrary to, or inconsistent with, the laws of the State of Tennessee or the ordinances of the Town of Decatur. Rules and regulations shall be adopted by resolution of the board of mayor and aldermen to take effect ten (10) days after their adoption. Rules and regulations shall be posted at the entrance to every park and recreational facility to which they apply. Copies of all parks and recreation rules and regulations shall be available for public inspection at the Decatur Town Hall. (as added by Ord. #147, June 2006)

TITLE 3

MUNICIPAL COURT[1]

CHAPTER 1

TOWN JUDGE

3-101. Town judge.[2] The officer designated by the charter to handle judicial matters within the municipality shall preside over the town court, and shall be known as the town judge. (1970 Code, § 1-601)

3-102. Jurisdiction. The town judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

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[1]Charter references
Town attorney: art. VI.
Town court: art. XI.

[2]Charter references
Appointment, etc., of town judge: art. XI, § 1.
Duties and powers: art. XI, § 3.
Exclusive judge of law and facts: art. XI, § 5.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

3-202. Imposition of penalties and costs. All penalties and costs shall be imposed and recorded by the town judge on the city court docket in open court.

Town court costs shall be in accordance with the following schedule and shall be subject and shall be subject to revision from time to time as the board of mayor and aldermen deems necessary.

Litigation Tax: $13.75
Recorders' Cost: $80.00

(1970 Code, as amended by Ord. #53, March 1986, modified)

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

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

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.[1] The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

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

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

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq.

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days[1] next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

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

3-403. Bond amounts, conditions, and forms. (1) Appearance bond. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

(2) Appeal bond. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of two hundred and fifty dollars ($250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties.

(3) Form of bond. 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 within the county.

(4) Pauper's oath. A bond is not required provided the defendant/appellant

(a) Files the following oath of poverty:

I, _____, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency.

TITLE 4

MUNICIPAL PERSONNEL[1]

CHAPTER

CHAPTER 1

SOCIAL SECURITY

SECTION

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the municipality shall take such action as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-801)

4-102. Necessary agreements to be executed. The mayor 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. (1970 Code, § 1-802)

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

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[1]Charter reference
Administration: art. VIII.

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. (1970 Code, § 1-803)

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. (1970 Code, § 1-804)

4-105. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-805)

4-106. Exclusion of coverage due to another retirement system. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or 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. (1970 Code, § 1-806)

CHAPTER 2

PERSONNEL REGULATIONS[1]

SECTION

4-201. Purpose. It is the town's declared purpose to establish a system of personnel administration that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal

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[1]Charter reference
Personnel rules: art. VIII, § 2.

and political considerations and regardless of race, color, gender, age, creed, national origin, or disability.

4-202. At will employer. The Town of Decatur, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.

4-203. Coverage. The following personnel are not covered by this policy, unless otherwise provided:

(1) All elected officials.

(2) Members of appointed boards and commissions.

(3) Consultants, advisers, and legal counsel rendering temporary professional service.

(4) The city attorney.

(5) Independent contractors and/or contract employees.

(6) Volunteer personnel.

All other employees of the municipal government are covered by this personnel policy.

4-204. Employees. (1) Full-time. Full-time employees are individuals employed by the municipal government who normally work 40 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 40 hours per week or who are temporary and/or seasonal employees.

4-205. Hiring procedures. (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) Application. All persons seeking appointment or employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the town's office during regular office hours only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the officials and personnel appointed by the mayor.

(4) Pre-appointment exams. For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be

made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter.

4-206. Holidays. Generally, full-time employees are allowed a day off with pay on the following holidays:

(1) New Years Day.
(2) Dr. Martin Luther King Jr. Day.
(3) Presidents Day.
(4) Memorial Day.
(5) Independence Day.
(6) Labor Day.
(7) Veterans Day.
(8) Thanksgiving Day.
(9) Christmas Eve.
(10) Christmas Day.

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted those hours off on an alternate day approved by the supervisor or an additional time and one half rate for the hours worked. (as amended by Ord. #169, May 2009)

4-207. Vacation leave. Employees shall accrue leave as of the first day of each month as follows:

Less than one (1) year shall accrue no vacation leave. On the first day of an employee's first year anniversary month, employee shall receive forty (40) hours leave and then accrue vacation based on the regular schedule listed below. An exception to this first year accrual shall be current full-time employees with less than one (1) year of service, as of the passage date of the ordinance comprising this section, who shall receive eighty (80) hours leave on the first day of their one (1) year anniversary month and then accrue vacation based on ten (10) days per year (6.67 hours per month).

2 through 4 years ------ 6.67 hours per month (10 days per year)

5 through 7 years ------ 8 hours per month (12 days per year)

8 though 10 years ------- 10 hours per month (15 days per year)

11 years + ----- 10 hours month (15 days per year) plus .33 hours per month (1/2 day per year) for each additional year above 10 employed until the employee reaches the maximum accrual rate of 20 hours per month (30 days per year).

Employees shall be paid for any vacation accumulated and not taken if employment is terminated after one (1) year of employment.

In order to transition to the new accrual rates, employees of the town with over one (1) year employment will accrue a lump sum number of hours, based on the above listed rates, on January 1, 2010. Following this date, the new accrual method will be used.

The recorder shall maintain all vacation leave records for the employees of the town by using the computer system. Vacation hours can carry over to the maximum number of hours equal to the employee's annual vacation accrual rate. Vacation hour balance that exceeds that figure will be rolled into sick leave hours accrued. Employees shall be paid for any vacation accumulated and not taken if employment is terminated after six (6) months. (as amended by Ord. #169, May 2009, Ord. #170, Dec. 2009, Ord. #172, March 2010, and Ord. #175, Aug. 2010)

4-208. Bereavement leave. An employee may be absent for a death in their immediate family and continue to be paid for three (3) days. After three days bereavement time is charged to the employee's sick leave or annual leave. Immediate family shall be defined as spouse, children, brother, sister, mother, father, mother-in-law, father-in-law, grandparents, grandchildren.

4-209. Sick leave. All full-time employees shall accumulate eight (8) hours of sick leave per month with pay for each month of work completed for the municipality. This amount is accumulated up to sixteen hundred (1600) hours. Sick leave may be granted for any of the following reasons:

(1) Personal illness or physical incapacity resulting from causes beyond the employee's control.

(2) Medical, dental, optical or other professional treatments or examinations.

(3) Illness in the employee's immediate family. (Immediate family to be defined as spouse, parents, and children.)

When an employee is sick or has a sickness in the immediate family, he or she shall call or have a member of his/her family call the town office and report that they are on sick leave; and upon their return to work, report to the office that they are back on duty. This is to insure that proper records can be kept.

If 3 consecutive days of sick leave are taken a doctor's certificate is required upon return to work.

Employees shall not be paid for unused sick leave upon the employee's termination, resignation or retirement. (as amended by Ord. #169, May 2009)

4-210. Grievance policy. The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding

concerning administrative order involving on the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction by written notice. Once this is done, the following steps are to be taken.

Step 1. Discuss the problem with immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

Step 3. Discuss the problem with the board of mayor and aldermen of the municipality. The board of mayor and aldermen's decision is the last and final step in the process. The decision of the board of mayor and aldermen is final and binding to all parties involved.

4-211. Discrimination prohibited. The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 - 42 U.S.C. 2000e - 2000e-15; Equal Pay Act of 1963 - 29 U.S.C. 206(d); Age Discrimination in Employment Act - 29 U.S.C. 621, et seq.; Americans with Disabilities Act - 42 U.S.C. 506, et seq.)

4-212. Workplace harassment/sexual harassment prohibited. It is the policy of the Town of Decatur to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the local government's activities. The Town of Decatur will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

(1) No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:

(a) Verbal harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.

(b) Physical harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

(c) Visual harassment. Displaying derogatory or offensive posters, cartoons, publications or drawings.

(2) Under no circumstances are the following items permitted on local government property, including local government-owned parking areas, except when issued or sanctioned by the local government for use in performance of the employee's job:

(a) All types of firearms, switchblade knives, and knives with a blade longer than four inches (4");

(b) Dangerous chemicals;

(c) Explosives or blasting caps;

(d) Chains; or

(e) Other objects carried for the purposes of injury or intimidation.

(3) Charges of violence and harassment may be reported to any supervisory employee of the town including the town recorder and the mayor. The personnel manager is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the mayor may request that the police chief provide assistance to the personnel manager or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

(4) Copies of the investigative report with recommendations for appropriate action will be turned over to the mayor as appropriate for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employee or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the supervisor or a member of the board of mayor and aldermen. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination. (as amended by Ord. #169, May 2009)

4-213. Overtime compensation. The Fail Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 C.F.R. 553.1, et seq.). Non-public safety personnel shall be compensated for overtime on all hours actually worked over forty (40) during a work week. However, employees shall be paid a minimum of two (2) hours overtime when called back to work outside of their regularly scheduled work hours regardless of their total hours actually worked during the work week. Fire and police hourly personnel are subject to overtime compensation when hours actually worked exceed the thresholds established in the work periods approved by the town. (as amended by Ord. #169, May 2009)

4-214. Military leave / veterans' re-employment. All employees who are members of reserve components of the armed forces, including the national guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent order," and they must be given such leave with pay not exceeding twenty (20) working days in any one calendar year.[1] Also, any employee of the municipality who leaves his/her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. 202-2016) and the Tennessee Military Leave Act.[2] (as amended by Ord. #169, May 2009)

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[1]State law reference
Tennessee Code Annotated, § 8-33-109.

[2]State Law reference
Tennessee Code Annotated, § 8-33-101, et seq.

4-215. Family and medical leave. If the municipality has 50 or more employees on the payroll an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided 12 calendar weeks of unpaid leave for medical conditions of the employee or his/her family members in accordance with the Family and Medical Leave Act (P.L. 103-3)

4-216. Commercial driver's license. All employees that drive

(1) A vehicle with a gross weight of more than 26,000 pounds;

(2) A trailer with a gross weight of more than 10,000 pounds;

(3) A vehicle designed to transport more than 15 passengers, including the driver; and

(4) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101, et seq.

Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements. All employees that drive town vehicles may be required to show proof of driver's license when appropriate. (as amended by Ord. #169, May 2009)

4-217. Employee drug testing. All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a Commercial Driver's License, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality if applicable.

4-218. Residence requirements. No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence."[1] However, all future employees shall be required to live within Meigs County.

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[1]State law reference
Tennessee Code Annotated, § 8-50-107.

4-219. Employee right to contact elected officials. No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter.[1]

4-220. Civil leave. Civil leave with pay shall be granted to employees for the following reasons:

(1) Jury duty.[2]

(2) To answer a subpoena to testify for the municipality.

4-221. Voting. When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

4-222. Political activity. Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election.[3]

4-223. Travel policy. The purpose of this section and referenced regulations is to bring the town into compliance with Tennessee Code Annotated, §§ 6-54-901--907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this section is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense.

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[1]State law reference
Tennessee Code Annotated, § 8-50-601 – 604.

[2]State law reference
Tennessee Code Annotated, § 22-4-108.

[3]State law reference
Tennessee Code Annotated, § 7-51-1501.

(1) Enforcement. The town recorder of the town or his or her designee shall be responsible for the enforcement of these travel regulations.

(2) Travel policy. (a) In the interpretation and application of this section, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this section. "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 section.

(b) 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.

(c) 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, conference and similar expenses.

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

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

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

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

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

(ii) Actual, reasonable and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

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

(h) 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.

(i) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement.

(3) Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

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.

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

This section shall take affect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after the date of adoption. (as replaced by Ord. #169, May 2009)

4-224. Outside employment. No full-time employee of the municipality may accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with his/her municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality.

4-225. [Repealed]. (as repealed by Ord. #152, Oct. 2006)

4-226. [Repealed]. (as repealed by Ord. #152, Oct. 2006)

4-227. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1970 Code, § 1-907)

4-228. Dismissal. (1) At will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Name-clearing hearing. A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This

hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his/her name.

4-229. Computer/internet use. It is every employee's duty to use the town's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant users any contractual rights. The term "computer resources" refers to the town's computers, electronic equipment, and its entire computer network.

(1) Computer use policy overview. The computer resources are the property of the town and should be used for legitimate business purposes. While personal use of town computer resources including Internet and electronic mail is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of job duties and responsibilities. Users are permitted access to the computer resources to assist them in performing their jobs. Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated therefrom are for the exclusive use of the town in connection with the conduct of its business and are the sole property of the town.

(2) Waiver of privacy rights. Users expressly waive any right of privacy in anything they create, store, send or receive using the computer resources. Users consent to allowing the town to access and review all materials users create, store, send or receive using the computer resources.

(3) Inappropriate or unlawful material. Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, sex, religion, national origin, age, or disability, or is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed on or stored in the computer resources. Any such material received by electronic transmission from a source outside of the town should be deleted immediately.

(4) Misuse of software. Without prior authorization and proper licensing, users may not do any of the following:

(a) Copy software for use on their home computers;

(b) Provide copies of software to any third person;

(c) Install software or hardware on any computer resources;

(d) Download any software from the Internet or other online service to any computer resources;

(e) Modify, revise, transform, recast or adapt any software on any computer resources.

(5) Compliance with laws and licenses. In their use of computer resources, users must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

(6) Communication of trade secrets. Unless expressly authorized by the town, sending, transmitting or otherwise disseminating proprietary data, trade secrets or other confidential information of the town is strictly prohibited.

(7) Use of encryption software. Users may not install or use encryption software on any computers without first obtaining written permission from the town.

(8) Monitoring usage. The town has the right, but not the duty, to monitor any and all aspects of the computer resources, including monitoring sites visited by employees on the Internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by others.

(9) Public records. All employee correspondence in the form of electronic mail may be considered a public record and may be subject to public inspection under the Tennessee Public Records Law. (as added by Ord. #169, May 2009)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the Town of Decatur. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

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

(1) Provide a safe and healthful place and condition of employment that includes:

(a) Top management commitment and employee involvement;

(b) Continually analyze the worksite to identify all hazards and potential hazards;

(c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and

(d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Decatur shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

4-304. Standards authorized. The occupational safety and health standards adopted by the Town of Decatur are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.[1] (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

4-305. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

4-306. Administration. For the purposes of this chapter, Shane Allen is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this

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[1]State law reference
Tennessee Code Annotated, title 50, chapter 3.

program plan. The safety director shall develop a plan of operation[1] for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

4-307. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Decatur. (Ord. #133, June 2003, as replaced by Ord. #189, June 2013)

[1]The plan of operation is of record in the office of the recorder.

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

4-401. Purpose. It is the responsibility of the Town of Decatur to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Decatur, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB).

4-402. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

(1) Paramedics and emergency medical technicians;
(2) Occupational nurses;
(3) Housekeeping and laundry workers;

(4) Police and security personnel;
(5) Firefighters;
(6) Sanitation and landfill workers; and
(7) Any other employee deemed to be at high risk per this policy and an exposure determination.

4-403. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

(1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
(2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
(3) Maintain records of all employees and incidents subject to the provisions of this chapter;
(4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
(5) Coordinate and document all relevant training activities in support of the infection control policy;
(6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
(7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
(8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen.

4-404. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.
(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.
(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected.

4-405. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood.

4-406. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp

items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

(a) While handling an individual where exposure is possible;

(b) While cleaning or handling contaminated items or equipment;

(c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and shall be properly disposed of.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

4-407. <u>Hepatitis B vaccinations</u>. The Town of Decatur shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator.

4-408. <u>Reporting potential exposure</u>. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized.

4-410. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the town to all workers who may be concerned they have been infected with HIV through an occupational exposure.

4-411. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303.

4-412. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy.

4-414. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers.

4-416. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and, or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not

make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution.

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Enforcement. The mayor (CAO) of the town or his or her designee shall be responsible for the enforcement of these regulations.

4-502. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

Travel advance requests 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.

4-503. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state of Tennessee travel regulation rates; with receipts. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

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.

4-504. 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 city recorder.[1]

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.

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[1]State law reference

Tennessee Code Annotated, § 6-54-904 requires a city to notify the comptroller in writing that it has adopted the MTAS administrative procedures, including the date of such adoption.

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER
1. REAL PROPERTY TAXES.
2. BUSINESS TAX.
3. WHOLESALE BEER TAX.

CHAPTER 1

REAL PROPERTY TAXES[2]

SECTION
5-101. When due and payable.
5-102. When delinquent--penalty and interest.

5-101. When due and payable. Taxes levied by the municipality against real property shall become due and payable annually on and after the first of October of the year for which assessed. (1970 Code, § 6-301, modified)

5-102. When delinquent--penalty and interest. All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and an interest and penalty of one and one-half of one percent per month of the amount of the delinquent taxes shall also be added on the first day of March in which the taxes become delinquent, and one and one-half of one percent shall be added on the first day of each month thereafter. (1970 Code, § 6-302, modified)

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[1]Charter reference
Taxation: art. X.

[2]Charter reference
Collection of delinquent taxes: art. X, § 3.

CHAPTER 2

BUSINESS TAX

SECTION
5-201. Tax levied.
5-202. License required.

5-201. 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 city at the rates and in the manner prescribed by the act.

5-202. License required. No person shall exercise any such privilege within the city 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. Violations of this section shall be punished under the general penalty provisions of this code of ordinances.

CHAPTER 3

WHOLESALE BEER TAX

SECTION
5-301. To be collected.

5-301. To be collected. The city recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1]

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[1]State 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.

Municipal code references

Alcohol and beer regulations: title 8.
Beer privilege tax: § 8-208.

TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.
2. ARREST PROCEDURES.

CHAPTER 1

POLICE AND ARREST[1]

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. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1970 Code, § 1-501)

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. (1970 Code, § 1-502)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1970 Code, § 1-503)

6-104. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing at a minimum:

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

(2) All arrests made by policemen.

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[1]Municipal code reference
Decatur police reserve: title 6, chapter 2.
Traffic citations, etc.: title 15, chapter 7.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department.

(4) Any other records required to be kept by the board of mayor and aldermen or by law.

The police chief shall be responsible for insuring that the police department complies with this section. (1970 Code, § 1-507, modified)

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When policemen to make arrests.[1] Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has probable cause to believe the person has committed it. (1970 Code, § 1-504)

6-202. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1970 Code, § 1-506, modfied)

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[1]Municipal code reference
Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER 1

FIRE CODE

7-101. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Uniform Fire Code (NFPA No. 1),[1] 2003 edition, as recommended by the National Fire Protection Association, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Uniform Fire Code has been filed with the city recorder and is available for public use and inspection. The Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

7-102. Modifications. The Uniform Fire Code adopted in § 7-201 above is modified by deleting therefrom section 1.10, titled Board of Appeals, in its entirety; § 7-105 below shall control appeals.

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[1]Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

7-103. Definition of "municipality." Whenever the word "municipality" is used in the uniform fire code herein adopted, it shall be held to mean the Town of Decatur, Tennessee.

7-104. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline.

7-105. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the uniform fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen.

7-106. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Uniform Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 2

FIRE DEPARTMENT[1]

SECTION

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of aldermen of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the board of aldermen and such number of physically-fit subordinate officers and firemen as chief shall appoint. (1970 Code, § 7-301)

7-202. Objectives. The fire department shall have as its objectives:
(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1970 Code, § 7-302)

7-203. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1970 Code, § 7-303)

7-204. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to

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[1]Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.

the mayor once each month, and at the end of the year a detailed annual report shall be made. (1970 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 board of aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of aldermen may from time to time prescribe. (1970 Code, § 7-305)

7-206. Chief responsible for training. The chief of the fire department, shall be fully responsible for the training of the firemen and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1970 Code, § 7-306)

7-207. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1970 Code, § 7-308)

CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION
7-301. Restrictions on fire service outside town limits.

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

(1) The Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004, Tennessee Code Annotated, § 58-8-101, et seq.[1]

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[1]State law reference

Tennessee Code Annotated, § 58-8-101, et seq., authorizes municipalities to respond to requests from other governmental entities affected by situations in which its resources are inadequate to handle. The act provides procedures and requirements for providing assistance. No separate mutual aid agreement is required unless assistance is provided to entities in other states, but a municipality may, by resolution, continue existing agreements or establish separate agreements to provide assistance. Assistance to entities in other states is still provided pursuant to Tennessee Code Annotated, § 12-9-101, et seq. "Assistance" is defined in the act as "the provision of personnel, equipment, facilities, services, supplies, and other resources to assist in firefighting, law enforcement, the provision of public works services, the provision of emergency medical care, the provision of civil defense services, or any other emergency assistance one governmental entity is able to provide to another in response to a request for assistance in a municipal, county, state, or federal state of emergency."

(2) Tennessee Code Annotated, § 12-9-101, et seq.[1]
(3) Tennessee Code Annotated, § 6-54-601.[2]

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[1]State law reference

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

[2]State law reference

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

CHAPTER 4

FIREWORKS

SECTION
7-401. Fireworks prohibited.

7-401. Fireworks prohibited. (1) It shall be unlawful for any person, firm, or corporation to sell, offer for sale, give away, or exchange any fireworks, firecrackers, cannon crackers, roman candles, or pyrotechnics of any kind within the corporate limits.

(2) It shall be unlawful for any person to ignite, discharge, or throw any fireworks, firecrackers, cannon crackers, roman candles, or pyrotechnics of any kind upon the streets, alleys, sidewalks, public squares, public places, business establishments, private structures, motor vehicles, or pedestrians or to alarm or injure persons or impede the free passage of pedestrians, motor vehicles, or any other type of vehicle.

(3) A nationally recognized non-profit civic organization may hold a fireworks display if the organization has a State of Tennessee pyrotechnic permit to display fireworks; an insurance policy of one million dollars ($1,000,000), with the Town of Decatur as an additional insured to be held harmless from liability; and supervision by personnel trained in the display of fireworks. (1970 Code, § 7-108, as amended by Ord. #61, June 1987)

CHAPTER 5

OPEN BURNING

SECTION
7-501. Purpose.
7-502. Permit required, etc.
7-503. Permit application.
7-504. Authority to suspend permit/burning.
7-505. Compliance with chapter.
7-506. Exemptions.
7-507. Unauthorized burning prohibited.
7-508. Violation and penalty.

7-501. Purpose. The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning.

7-502. Permit required, etc. (1) No open burning shall be permitted within the Town of Decatur without a permit, except as provided in § 7-506.

(2) A permit may be issued at no charge pursuant to this chapter for the destruction of leaves, grass, and other natural vegetation which has been cut and stacked, or raked, as a result of single residential yard clean-up.

7-503. Permit application. (1) To obtain a permit required by this chapter, the applicant shall apply to the recorder either in person or by telephone no more than twenty-four (24) hours before the fire, and shall state:

(a) The type of materials to be burned.

(b) The location of the fire.

(c) The individual(s) designated as being responsible for controlling the fire.

(d) That he or she will follow all outdoor burning regulations contained in this code, that no outdoor burning shall be left unattended or permitted later than one hour after sunset, and that protection against fire spread will be provided in a manner approved by the fire chief or his designee.

(2) Applicants applying in person will be issued a permit number in writing by the recorder upon approval of the application. Telephone applicants, upon approval, will be issued a permit number orally. Permit numbers shall be provided upon request by the fire chief or his designee throughout the period of time the permit is issued and while the open burning is in progress.

7-504. Authority to suspend permit/burning. (1) Regardless of any established permit period, the fire chief or his designee shall have the authority

to forbid, restrict or suspend any and all burning or cancel any permit upon determining that weather or other conditions are unfavorable or hazardous for outdoor fires.

(2) The fire chief or his designee in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous.

7-505. Compliance with chapter. (1) The person to whom the permit is issued shall be the person responsible for any consequences of action for any damages, injuries or claims resulting from such burning or for responsibility of obtaining any other permit that may be required.

(2) A garden hose and water supply or other fire extinguishing equipment must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) The location of the fire shall not be less than 50 ft. from any structure and adequate provision shall be made to prevent fire from spreading within 50 ft. of any structure.

7-506. Exemptions. The following type of outdoor fires are exempt from the permit process:

(1) Contained cooking fires;

(2) Fire in outdoor fire pits or fireplaces;

(3) Open fires for the training and instruction of fire fighting personnel;

(5) Heating on construction projects, provided the burning is in a suitable metal container.

7-507. Unauthorized burning prohibited. The open burning of any garbage, trash, rubbish, construction debris, waste material, or any other type of combustible material by any person, firm or corporation is hereby prohibited, except as provided in this chapter.

7-508. Violation and penalty. The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally. Except when he is lawfully acting pursuant to the authority of an applicable state law[2], it shall be unlawful for any person acting for himself or for any other person, to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this municipality. "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. (1970 Code, § 2-101)

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[1]State law reference
Tennessee Code Annotated, title 57.

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

CHAPTER 2

BEER[1]

SECTION

8-201. Transportation, storage, etc., subject to regulation and beer defined. Transportation, storage, distribution, possession, and/or manufacture of beer and/or ale of any alcoholic content of not more than five percent (5%) by weight within the corporate limits of Decatur, Tennessee, shall be subject to the regulations hereinafter set out and provided. The term "beer" as used in this chapter shall mean and include all beers, ales and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1970 Code, § 2-201)

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[1]Municipal code reference

Drinking beer, etc., on streets: § 11-101.

State law reference

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

8-202. Beer board established. There is hereby established a beer board to be composed of all the members of the board of mayor and aldermen. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1970 Code, § 2-202)

8-203. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings before each regular meeting of the board of mayor and aldermen at the town hall whenever there is business to come before the beer board. An adjourned or special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof to each board member and there is reasonable and just cause for such an additional session. (1970 Code, § 2-203, modified)

8-204. Record of beer board proceedings to be kept. The city recorder shall make a separate record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1970 Code, § 2-204)

8-205. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1970 Code, § 2-205)

8-206. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing, distributing, and manufacturing of beer within the Town of Decatur in accordance with the provisions of this chapter. (1970 Code, § 2-206)

8-207. Permit application required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred and fifty dollars ($250.00). Said fee shall be in the form of a cashier's check payable to the Town of Decatur. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

8-208. Privilege tax.[1] There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a 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 each successive January 1 to the Town of Decatur, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

8-209. Contents of application.[2] The application shall state:

(1) The name and residence address of the applicant and how long the applicant has resided there.

(2) The particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as definitely locates it.

(3) The kind of license desired.

(4) The name of the owner of the premises upon which the business licensed is to be carried on. (1970 Code, § 2-209, modified)

8-210. New permit required when location is moved. (1) When any person shall move the location of the place of business where such beverages are sold, then in all cases he shall be required to obtain from the town a new permit in the manner herein provided by application to the town therefor.

(2) Permits and licenses shall not be transferable. (1970 Code, § 2-210, modified)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage or beer, or the sale of beer within three hundred feet (300') of any school, church, or other place of public gathering. The distance shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored, or sold to the nearest point on the building of the school, church, or other place of public gathering. No

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[1]State law reference
Tennessee Code Annotated, § 57-5-104(b).

[2]Municipal code reference
Prohibited conduct or activities by beer permit holders, etc.: § 8-213.

permit shall be suspended, revoked, or denied on the basis of proximity of the establishment 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 1, 1993, unless beer is not sold, distributed, or manufactured at that location during any continuous six (6) month period after January 1, 1993. (as replaced by Ord. #151, Sept. 2006, and amended by Ord. #163, April 2008)

8-212. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of beer or other alcoholic beverage, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

8-213. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.

(3) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week; at any time on Sunday; or on election days while the polls are lawfully open.

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age.

(5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

(6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk persons to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women for establishments with on-premises permits.

8-214. Procedure for granting licenses. When an application is made to the beer board for a new license, the following procedure will apply:

(1) Application shall be received by the beer board at least fifteen (15) days prior to issuing a license.

(2) No application for a beer license will be approved without a hearing at the town hall which will be open to the public. The name of the applicant, name and address of his place of business, and the date of hearing will be announced.

(3) Permits shall be approved or disapproved by the town in a regular or called meeting and, if approved, a license shall be issued by the recorder of the Town of Decatur upon payment of the license fee provided by law. (1970 Code, § 2-213, modified)

8-215. Two (2) types of retail beer permits. Permits for the retail sale of beer issued by the town shall be of two types:

(1) On-premises permits shall be issued for the consumption of beer on the premises.

(2) Off-premises permits shall be issued for sale of beer to be consumed off the premises. (1970 Code, § 2-216)

8-216. Limitations of number of beer permits. There are no limits to the number of beer permits which may be issued by the beer board within the corporate limits of the Town of Decatur at any given time for either on-premises or off-premises beer permits. (1970 Code, § 2-217, as replaced by Ord. #165, July 2008)

8-217. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or 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.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as replaced by Ord. #165, July 2008)

8-218. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as replaced by Ord. #165, July 2008)

8-219. Violations. Except as provided in § 8-218, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.[2]

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or

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[1]Municipal code references
Beer: title 8.
Junkyards: title 13.
Liquor and beer regulations: title 8.
Privilege tax: title 5.
Property maintenance: title 13.
Noise reductions: title 11.
Zoning: title 14.

[2]Municipal code references
Privilege taxes: title 5.
Trespass by peddlers, etc.: § 11-601.

from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the town or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars ($10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Meigs County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor[1]" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

9-102. Exemptions. The terms of this chapter shall neither apply 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.

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter.

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[1]State law references

Tennessee Code Annotated, § 62-30-101, et seq., contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of $50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the town.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars ($20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the town.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention

to his business or merchandise during recognized parade or festival days of the town.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

9-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder 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.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the town. The permit of solicitors for religious or charitable purposes and solicitors for

subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. Violation and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 2

POOL ROOMS[1]

SECTION
9-201. Prohibited in residential areas.
9-202. Hours of operation regulated.
9-203. Minors to be kept out; exception.

9-201. 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. (1970 Code, § 5-501)

9-202. 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. Pool halls may remain open and operate between the hours of 6:00 A.M. and 11:00 P.M. on Monday through Thursday; and from 6:00 A.M. to midnight on Friday and Saturday. (1970 Code, § 5-502, as amended by Ord. #63, May 1988)

9-203. 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 father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1970 Code, § 5-503)

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[1]Municipal code reference
Privilege taxes: title 5.

CHAPTER 3

CABLE TELEVISION

SECTION
9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television service shall be furnished to the Town of Decatur and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Decatur 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]

[1]For complete details relating to the cable television franchise agreement see Ord. #40 dated December 1982 in the office of the recorder.

TITLE 10

ANIMAL CONTROL

CHAPTER 1

IN GENERAL

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, 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.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line.

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.

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.

It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl.

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.

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

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance.

10-107. Violation and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 2

DOGS

SECTION

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). (1970 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. (1970 Code, § 3-202)

10-203. Running at large prohibited.[1] It is unlawful for any person to allow a dog belonging to or under the control of such person, or that may be habitually found on premises occupied by the person, or immediately under the control of such person, to go upon the premises of another, or upon a highway or upon a public road or street; provided, that this section shall not apply to a dog on a hunt or chase, or on the way to or from a hunt or chase, nor to a dog guarding or driving stock, or on the way for that purpose, nor to a dog being moved from one (1) place to another, by a person owning or controlling a dog; provided, that the foregoing exemptions shall not apply unless all damages done by dogs therein exempted, to the person or property of another, shall be paid or tendered to the person so damaged, or to the person's agent within thirty (30) days after the damage is done. (1970 Code, § 3-203, modified)

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 reasonably provide for the protection of other animals and persons. (1970 Code, § 3-204)

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[1]State law reference
Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

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. (1970 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 police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1970 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 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, to be fixed by the pound keeper, 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 a tag 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] (1970 Code, § 3-207)

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[1]State 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 OFFENSES[1]

CHAPTER

CHAPTER 1

ALCOHOL[2]

SECTION

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, 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.

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[1]Municipal code references
Animal control: title 10.
Fireworks and explosives: title 7.
Traffic offenses: title 15.
Streets and sidewalks (non-traffic): title 16.

[2]Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
State law reference
See Tennessee Code Annotated § 68-24-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

11-102. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption.

11-103. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code. (1970 Code, § 10-234, modified)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

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. (1970 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 signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any 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, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or

disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(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 municipal authorities.

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

(h) Building operations. The 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 8:30 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 8:30 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 8:30 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 and 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.

(l) 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.

(m) "Jake Brakes." The use of an air or engine brake, or any dynamic braking device, commonly referred to as "Jake Brakes" inside the city limits of Decatur.

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

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

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, the county, or the state, when the public welfare 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 recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1970 Code, § 10-233, as amended by Ord. #140, Dec. 2004)

11-303. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Impersonating a government officer or employee. No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1970 Code, § 10-211)

11-402. False emergency alarms. It shall be unlawful for any person to intentionally 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. (1970 Code, § 10-217)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc. It shall be unlawful for any person in the municipality 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. (1970 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1970 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1970 Code, § 10-212, modified)

CHAPTER 6

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-601. Trespassing. (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.

11-602. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1970 Code, § 10-232, modified)

11-603. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 7

MISCELLANEOUS

SECTION

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 or otherwise sealing the door in such a manner that it cannot be opened by any child. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code.

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. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code.

11-703. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code. Each posting of such unauthorized notice shall constitute a separate offense.

11-704. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1970 Code, § 10-235)

11-705. Paying town with bad check. (1) It shall be unlawful for any person to pay any utility bill, taxes or other obligations owing to the town by a bad check and/or a check returned for insufficient funds.

(2) The person issuing and delivering to the town a bad check or a check returned for insufficient funds shall pay a twenty-five dollar ($25.00) service charge to reimburse the town for additional bookkeeping and record keeping work brought about by passing of the said check.

(3) Should any person refuse to make payment of the check and the service charge as set out herein, they shall be prosecuted as provided by Tennessee Code Annotated, § 39-14-121. (1970 Code, § 10-221, modified)

CHAPTER 8

CURFEW FOR MINORS

SECTION

11-801. Purpose. The purpose of this chapter is to (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the town;

(2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and

(3) Foster and strengthen parental responsibility for children.

11-802. Definitions. As used in this chapter, the following words have the following meanings:

(1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.

(2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

(3) "Establishment" means any privately-owned business place within the town operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word “operator” with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.

(4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.

(5) "Parent" means:

(a) A person who is a minor’s biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

(b) A person who is the biological or adoptive parent with whom a minor regularly resides;

(c) A person judicially appointed as the legal guardian of a minor; and/or

(d) A person eighteen (18) years of age or older standing in loco parentis (as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

(6) "Person" means an individual and not a legal entity.

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means

(a) to linger or stay at or upon a place or

(b) to fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-803. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked on any public place within the town, or to remain in or upon the premises of any establishment within the town, unless:

(1) The minor is accompanied by a parent; or

(2) The minor is involved in an emergency; or

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on a errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's

destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the Town of Decatur; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-804. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-803 of this chapter.

11-805. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-803 of this chapter using the motor vehicle.

11-806. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-807. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-803 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars ($50.00).

11-808. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-803 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-803 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address or the

name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated § 11-803, § 11-804, § 11-805, or § 11-806 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

11-809. Violations punishable by fine. A violation of § 11-803, § 11-804, § 11-805, or § 11-806 subsequent to receiving a verbal warning as provided in § 11-808 is punishable by a maximum fine of fifty dollars ($50.00) for each violation.

CHAPTER 9

SKATEBOARDS

SECTION

11-901. Skateboarding in designated areas. (1) It shall be unlawful to engage in skateboarding in the Decatur City Park except where specifically designated areas are provided by the Town of Decatur. All posted rules and regulations must be followed in any park or other city-owned property.

(2) The formal rules of the operation of the skateboard park are incorporated by reference as if repeated verbatim herein. (as added by Ord. #168, Nov. 2008)

CHAPTER 10

EPHEDRINE CONTROL

SECTION

11-1001. Ephedrine control. (1) Definitions. As used in this section, the following words and/or phrases shall have the following meanings as set forth herein:

(a) "Ephedrine." All forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all other combinations of these chemicals.

(b) "Ephedrine product." Any product that contains ephedrine, its salts, isomers, or salts of isomers, as its sole active ingredient or in combination with less than therapeutically significant qualities of other active ingredients.

(c) "Person." Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity selling an ephedrine product to customers.

(d) "Sell." To knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.

(e) "Package." Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

(2) Restrictions on public access to ephedrine products. It shall be illegal to sell, deliver, or distribute ephedrine, pseudoephedrine, their salts, their optical isomers or salts of their optical isomers, without a valid prescription from a physician or other healthcare professional licensed by the State of Tennessee to write prescriptions and filled by a Tennessee-licensed pharmacist.

(3) Exception. The prohibition contained in subsection (2) shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing natural occurring or herbal Ephedra and extract of Ephedra.

(4) Reporting theft of ephedrine products. (a) Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance, or loss in writing to the Decatur Police Department within twenty-four (24) hours of such a discovery.

(b) Any person who sells ephedrine products shall report to the Decatur Police Department any difference between the quantities of ephedrine products shipped and the quantity of ephedrine products received within twenty-four (24) hours of discovery.

(5) Penalty and injunctive relief. (a) Each violation of this chapter shall be considered a separate offense.

(b) The town mayor may institute an action for injunctive relief to enforce the provisions of this chapter.

(c) Every act or omission constituting a violation of any of the provisions of this chapter by any agent or employee of any person shall be deemed and held to be the act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him/her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee.

(6) Civil penalty. Any Town of Decatur sworn law enforcement officer is hereby empowered to issue a citation to any person for any violation of the provisions of this section. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if the person cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in city court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for a violation of any of the provision of this section shall be tried in the city court. The city court judge shall determine whether a defendant has committed a violation of this section. The town shall bear the burden of proof by a preponderance of the evidence. If a defendant pleads guilty or "no contest" to the alleged violation, or is found guilty by the city court judge, the city court judge shall assess a civil monetary fine as a penalty against any person found to have violated any of the provisions of this section, said fine to be in an amount of fifty dollars ($50.00) for each violation. Each day of violation shall be deemed a separate violation. Each separate package containing any substance containing any ephedrine as defined herein shall be deemed a separate violation. In addition to the civil monetary fine, any defendant who pleads guilty or "no contest" to the alleged violation, or who is found guilty by the city court judge, shall be assessed court costs as provided by law, and in addition shall be ordered to pay an administrative fee to the town in an amount to recoup the cost incurred by the town law enforcement agency for any chemical test conducted by or at the request of the law enforcement agency that is used to determine the chemical content of any substance collected from the defendant which formed the basis for any citation charge. Appeal may be had as provided by law. (as added by Ord. #192, Sept. 2013)

TITLE 12

BUILDING, UTILITY, ETC. CODES

[RESERVED FOR FUTURE USE]

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER

CHAPTER 1

MISCELLANEOUS

SECTION

13-101. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of

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[1]Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-108.

property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-101 of the Decatur Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the town; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Meigs County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (5) above may seek judicial review of

the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as amended by Ord. #176, Nov. 2010)

13-102. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the city recorder and dispose of such animal in such manner as the city recorder shall direct.

13-103. 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. (1970 Code, § 8-505)

13-104. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1970 Code, § 8-506)

13-105. Weeds, etc. prohibited. No person owning, leasing, occupying or otherwise having control of real property within the municipality, regardless of whether such property is a vacant lot or is improved with any form of structure, shall permit the growth upon such property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve (12) inches when such growth is within two hundred (200) feet of occupied residential or commercial property, or is within two hundred (200) feet of any street, thoroughfare, or highway. (Ord. #39, May 1982)

13-106. 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. (1970 Code, § 8-509)

13-107. Storage of vehicles restricted. (1) It shall be unlawful for any person, firm or corporation to permit any premises owned, occupied or controlled by them to become an outside storage place for wrecked automobiles and/or for repair or disassembly of automobiles.

(2) It shall be unlawful for any person, firm or corporation to store any vehicle on their lawns, driveways or premises for repair and/or disassembly of same.

(3) After violation of this section for more than seven (7) days, the town police department has full authority to remove said vehicles from the premises and the owner shall pay all costs and expenses required for removal of said vehicle from the premises. Any person, firm or corporation violation any provision of this section shall be punishable under the general penalty clause of this chapter. (1970 Code, §§ 8-509A and 8-509B)

13-108. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #39, May 1982, modified)

CHAPTER 2

JUNKYARDS[1]

SECTION

13-201. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the town.

13-202. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter.

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[1]Municipal code reference
Business tax: title 5, chapter 2.

13-203. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

13-204. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

13-205. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the town.

If not replaced within sixty (60) days the town may replace said screening and require payment upon demand.

13-206. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition.

13-207. Non-conforming junkyards. Those junkyards within the town and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

(1) The junkyard must continue to be lawfully maintained.

(2) There must be existing property rights in the junk or junkyard.

(3) Abandoned junkyards shall no longer be lawful.

(4) The location of the junkyard may not be changed for any reason. If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the town.

(5) The junkyard may not be extended or enlarged.

13-208. Permits and fees. It shall be unlawful for any junkyard located within the town to operate without a "Junkyard Control Permit" issued by the town.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The town's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars ($50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the town.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued.

13-209. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

SLUM CLEARANCE[1]

SECTION

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

13-302. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(3) "Municipality" shall mean the Town of Decatur, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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[1]State law reference
Tennessee Code Annotated, title 13, chapter 21.

(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the director of public works of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the director of public works.

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Meigs County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom

said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Meigs County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Decatur to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-309. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Decatur. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness.

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Meigs County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

13-312. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

13-314. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and alderman selected by the board of mayor and alderman; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall with such compensation as determined by the board of mayor and aldermen. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for five (5) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year; however appointed members at the time of the adoption of the ordinance comprising this chapter shall continue their terms so that one (1) member is up for reappointment each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (as added by Ord. #200, May 2014)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13 and any subsequent amendments or relative chapters of Tennessee Code Annotated as they pertain to a municipal planning commission. (as added by Ord. #200, May 2014)

CHAPTER 2

MOBILE HOME ORDINANCE

SECTION

14-201. Definitions. Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions where not inconsistent with the context. For the purposes of this ordinance certain words or terms are defined as follows:

(1) The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

(2) "Green strip." A strip of land not less than fifteen (15) feet in width planted in grass, ground covers, shrubs and/or trees. This strip may be provided through the preservation of existing vegetation or the planting of evergreen shrubs or trees which will attain a minimum height of eight (8) feet at maturity and otherwise comply with section 4.25.5 of the Decatur Zoning Ordinance.[1] No structures (except for fences and approved signs) shall be permitted in the green strip.

(3) "Health officer." The Tennessee Department of Conservation and Environment sanitarian/environmentalist or his/her duly authorized representative having jurisdiction over the community health in Meigs County.

(4) "Manufactured home." A structure, transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A manufactured home for the purpose of this ordinance does not include a manufactured unit to be used in conjunction with a commercial or industrial activity.

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[1]The Decatur Zoning Ordinance is of record in the office of the recorder.

(5) "Mobile home." Any vehicle used, or so constructed as to permit it being used as a conveyance upon the public roads or highways, transported as a single chassis, and constructed as a single self-contained unit and in such manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for long-term occupancy and to be moved infrequently. For purposes of these regulations, any structure defined as a mobile home is considered to be a "manufactured home."

(6) "Mobile home park." The term mobile home park shall mean any plot of ground within the Town of Decatur on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(7) "Mobile home spaces." The term shall mean a parcel of land within a mobile home park designated for the accommodation of one (1) mobile or manufactured home, complete with required parking and utility connections.

(8) "Mobile home subdivision." A subdivision of land specifically created to accommodate mobile homes on individual lots, which are sold in fee simple. Such subdivisions shall meet all of the requirements of the Decatur Subdivision Regulations.

(9) "Modular unit." (sectional or relocatable home): A structural unit, or preassembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term does not apply to temporary structures used exclusively for construction purposes or nonresidential farm buildings.

(10) "Motor home." A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. See also "recreational vehicle" or "RV."

(11) "Permit (license)." A permit is required for mobile home parks, single mobile homes and travel trailer parks. Fees charged for mobile home and travel trailer parks under the permit requirements are for inspection and the administration of this resolution.

(12) "Recreational vehicle (RV)." A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle (i.e., travel trailers, camping trailers, truck campers, and motor homes.)

(13) "Recreational vehicle (RV) campground." The term recreational vehicle (RV) campground shall mean any plot of ground within the Town of Decatur on which two (2) or more recreational vehicles, occupied for camping or periods of short stay, are located.

(14) "Set-up." The support system, which is a combination of footings, piers, caps, and shims that when properly installed and inspected by the state electrical inspector, support the mobile home.

(15) "Skirting." An enclosure permanently constructed from weather resistant materials, similar in nature and design to the mobile home, which encloses the space directly beneath the mobile home.

(16) "Travel trailer." A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty square feet (220 sq. ft.), excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

(17) "Truck camper." A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck. (Ord. #138, July 2004, as renumbered by Ord. #200, May 2014)

14-202. Application requirements. (1) Pre-application review. Whenever a mobile home park is proposed on land within the town limits of Decatur, the developer is urged to consult early and informally with the planning commission staff. The developer may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the mobile home park. No fee shall be charged for this review and no formal application shall be required.

(2) Application for mobile home park permit and planning commission approval. (a) Following the optional pre-application review of a proposed mobile home park, the developer of the mobile home park, or his/her agent, shall apply for a mobile home park permit from the zoning administrator or health officer. No mobile home park shall be established or maintained by any person unless such person holds a valid mobile home park permit.

(b) Applications shall be in writing, signed by the applicant and accompanied by the owner's certification and any other certification deemed necessary, as well as by a site plan of the proposed mobile home park and payment of the applicable fee.

(c) The developer shall notify the Decatur Municipal Planning Commission at least fifteen (15) calendar days prior to the next regular meeting of the planning commission of what it is he/she wishes to have on the agenda. At this time, the developer shall also submit copies of the site plan and any supporting documents, if any.

(3) Permit fee. It shall be unlawful to establish or expand a mobile home park or travel trailer park without a permit. The application fee for a permit for a mobile home park shall be one hundred dollars ($100.00) plus two dollars and fifty cents ($2.50) for each mobile home space shown in the site plan. The application fee for a permit for a travel trailer park shall be one hundred dollars ($100.00) plus two dollars and fifty cents ($2.50) for each trailer or

parking space shown on the site plan. Said fees are non-refundable. (Ord. #138, July 2004, as renumbered by Ord. #200, May 2014)

14-203. Design requirements. (1) Site requirements. Each mobile home park shall be located outside of flood hazard areas on a well-drained site and shall be situated so drainage will not endanger water supply. Each mobile home park shall be located on a single lot or on adjacent lots of the same ownership and planned so as to facilitate the efficient management and administration of such park.

(2) Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than one (1) acre. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

(3) Maximum number of spaces. The maximum number of spaces permitted shall be:

(a)	1 acre	4 spaces
(b)	1.5 acres	7 spaces
(c)	2 acres	10 spaces
(d)	2.5 acres	15 spaces
(e)	above 2.5 acres	the maximum density shall not exceed 6 spaces per acre

(4) Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least twenty (20) feet of open space between mobile homes or any attachment such as a garage, cabana, deck or porch and at least twenty (20) feet end to end spacing between trailers and any building or structure, twenty-five (25) feet between any trailer and a property line and twenty-five (25) feet from the right-of-way of any public street or highway and ten (10) feet from streets within the park. In addition, each mobile home space shall contain:

(a) A minimum lot area of five thousand (5,000) square feet;

(b) A minimum width of at least forty (40) feet and a minimum depth of at least sixty (60) feet;

(c) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen (15) feet.

(5) Streets, street signs and traffic control. (a) Widths of various streets within mobile home parks shall be:

(i) One-way . . . . . 11 ft.
(with no on-street parking)

(ii) One-way . . . . . 19 ft.
(with parallel parking on one side only)

(iii) One-way . . . . . 27 ft.
(with parallel parking on both sides)

(iv) Two-way . . . . . 20 ft.

(with no on-street parking)

(v) Two-way . . . . . 28 ft.
(with parallel parking on one side only)

(vi) Two-way . . . . . 36 ft.
(with parallel parking on both sides)

(b) The street layout shall be designed to provide for continuous flow of traffic with traffic control signs placed where necessary.

(c) Permanent signs identifying each street.

(d) Streetlights shall be provided at every street intersection. Streetlights shall be the type provided for the Town of Decatur by Volunteer Electric Coop, provided the planning commission in writing may approve alternate types of streetlights.

(6) Grading, street base and surface course requirements. All mobile home parks shall construct, improve, and maintain all streets within the mobile home park by utilizing double bituminous surface treatment or asphalt hot mix. The grading requirements (i.e., preparation, cuts, fill) and for asphalt hot mix shall be the same standards which are found in the Subdivision Regulations for the Town of Decatur. For double bituminous surface treatment the base shall consist of six inches (6") of crushed stone. The surface course shall be applied in accordance with the following:

(a) The first application shall be of AEP at a rate of 0.30 gallons per square yard. Aggregate shall be No. 8 chips at a rate of thirty-five (35) pounds per square yard.

(b) The second application shall be RS-2 at a rate of 0.35 gallons per square yard. Aggregate shall be No. 7 chips at a rate of thirty (30) pounds per square yard.

(c) The final application shall be RS-2 at a rate of 0.40 gallons per square yard. Aggregate shall be No. 8 chips at a rate of thirty-five (35) pounds per square yard.

(7) Parking spaces. Car parking spaces shall be provided in sufficient numbers to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) paved parking spaces on each mobile home space plus an additional parking space for each five (5) mobile home spaces to provide for guest parking, for multi-car tenants and for delivery and service vehicles. The extra parking spaces shall be located for convenient access to the mobile home spaces. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

(8) Buffer strip. An evergreen buffer strip or green strip shall be planted along the periphery of the mobile home park. (See definitions.)

(9) Water supply. The developer of a mobile home park shall attach to any public water supply located within one thousand (1,000) feet of the

proposed park. If such a public water supply is available, it shall be used exclusively. If a public water supply is not available, the developer of the mobile home park shall provide a public water supply approved by the Tennessee Department of Environment and Conservation (TDEC). The minimum size of water mains shall be six (6) inches, provided that lines no smaller than two (2) inches may be used for short cul-de-sac streets not to exceed three hundred (300) feet. Fire hydrants shall be located so that no mobile home space shall be more than five hundred (500) feet from a fire hydrant as measured along the streets.

(10) Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a six (6) inch sewer connection, trapped below the frost line and reaching at least four (4) inches above the surface of the ground. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

Every effort should be made to dispose of the sewage through a public sewerage system. If such a public sewerage system is available, it shall be used exclusively. In lieu of this, a septic tank and sub-surface soil absorption system may be used where approved by TDEC, provided the soil characteristics are suitable and an adequate disposal area is available. This type of sewage disposal may require a reduction in the density of mobile home spaces.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used.

(11) Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week.

(12) Required recreation area. A recreation area(s) for the use of all mobile home park residents shall be provided in all mobile home parks. The required recreation area(s) shall be a minimum of two hundred fifty (250) square feet per mobile home space. Mobile home parks with ten (10) or less spaces shall provide a centrally located recreation area with a minimum of two thousand five hundred (2,500) square feet. The minimum size of any recreation area(s) shall be two thousand five hundred (2,500) square feet, fifty (50) feet by fifty (50) feet.

Such recreational land, when provided separately by the mobile home park, shall be maintained in an attractive manner and shall be well-drained and usable for recreation.

(13) Utilities to each space. Each mobile home space shall contain utility connections for water, sewer, electricity, and telephone.

(14) Skirting and anchoring. The owner or operator of a mobile home park may require individual mobile homes within the park to be skirted. Every mobile/manufactured home shall be anchored in accordance with State of Tennessee standards and inspected by the state electrical inspector.

(15) General provisions. (a) Manufactured homes shall not be used for commercial, industrial or other nonresidential uses other than home occupations as allowed by the underlying zoning classification.

(b) A mobile home park may have a management office, community-recreation center, swimming pool, laundromat and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance and equipment necessary for the operation of the park and for the use of the park residents and guests only.

(c) The sale of mobile/manufactured homes shall be allowed in the community provided the home is displayed and offered for sale on the site that is the intended location for said home. Homes may not be offered for sale on a retail basis in the park for siting outside said mobile home park; provided, this provision will not preclude the trade-in and replacement of an existing mobile/manufactured home.

(d) It shall be unlawful for any mobile/manufactured home not to have a set of sturdy, safe steps of wood, metal or concrete for every door to said home.

(e) Accessory buildings are permitted, provided no such building shall be closer than five (5) feet to a space line.

(f) Any mobile home park which has sixty (60) or more spaces shall have a paved area, shown on the site plan, set aside for purpose of storage for boats, travel trailers, RVs and other large items, for use by the residents of that park. (Ord. #138, July 2004, as renumbered by Ord. #200, May 2014)

14-204. Site plan requirements.[1] The mobile home park site plan shall be clearly drawn at a scale not smaller than one hundred (100) feet to one (1) inch and shall contain:

(1) Name, address and phone number of owner of record and park operator, if different;

(2) Proposed name of park;

(3) North point and graphic scale and date;

(4) Vicinity map showing location and acreage of mobile home park;

(5) Exact boundary lines of the tract by bearing and distance;

(6) Names of owners of record of adjoining land;

(7) Existing streets, utilities, easements, and water courses on and adjacent to the tract;

(8) Proposed design prepared according to the standards in this resolution including streets, proposed street names, boundary lines or mobile

[1]A copy of the site plan and mobile home park spacing and road requirement maps are available in the office of the recorder.

home spaces with appropriate dimensions, typical mobile home space, easements, water and sewer mains, location of fire hydrants, general parking areas, land to be dedicated for public uses, and any other land/structures to be used for purposes other than mobile home spaces, and a cross-section of streets;

(9) Proposed design for water supply, sewerage, trash collection and drainage;

(10) Such other information as may be required by said town to enable the planning commission to determine if the proposed park will comply with legal requirements; and

(11) The applications and all accompanying plans and specifications shall be filed in triplicate.

(12) Local government agencies, utilities, and surveyor's certification. A block, as shown, shall be provided on the site plan for the signatures of the local governmental review agencies and the developer's surveyor. Designated officials shall sign and date the appropriate lines to certify that the site plan meets their department specifications for adequate development. (Ord. #138, July 2004, as renumbered by Ord. #200, May 2014)

14-205. Recreational vehicle (RV) campgrounds. Recreational vehicle (RV) parks should be located in commercial areas or recreational areas.

NOTE: Recreational Vehicle (RV) campgrounds, properly regulated, fit well into general commercial complexes in which a variety of complimentary facilities are available nearby--groceries, general stores, filling stations, coin operated laundries, for example, are often in demand by persons looking for campgrounds.

(1) Requirements that are the same as for mobile home parks. Many of the procedures and requirements are the same as for mobile home parks. The developer of a RV campground must follow the requirements of the following sections in §§ 14-202 and 14-203 after changing the words mobile home or mobile home park to read RV or RV campground:

(a)	Pre-application Review	(See § 14-202(1)
(b)	Application	(See § 14-202(2)
(c)	Permit fee	(See § 14-202(3)
(d)	Site requirements	(See § 14-203(1)
(e)	Buffer strip	(See § 14-203(8)
(f)	Water supply	(See § 14-203(9)
(g)	Refuse	(See § 14-203(11)

(2) Minimum recreational vehicle (RV) park size. The tract of land designed to be used as a RV campground shall be not less than one (1) acre.

(3) Minimum size of a RV space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of sixty (60) feet including parking space, but with a minimum of two thousand four hundred (2,400) square feet.

Each RV parking space in a RV campground shall be situated such that there is at least fifteen (15) feet from the edge of one RV to any adjacent RV or structure.

(4) Street requirements. A loop or other system of internal private roads shall be built so that all RV spaces take their access from such internal roads rather than directly from a public road. The use of pull-through spaces is permissible. The minimum widths of various streets or roads within a travel trailer park shall comply with the following:

(a)	One-way street (with no on-street parking)	10 feet wide;
(b)	Two way street (with no on-street parking)	20 feet wide;
(c)	Parallel parking (on one side)	8 ft. of add'l width;
(d)	Parallel parking (on two sides)	16 ft. of add'l width.

(5) Sewage disposal. Each recreational vehicle park shall provide an adequate sewage disposal system either by connecting to the Town of Decatur public sewer system or with a system approved in writing by TDEC. Each RV space designed to accommodate RVs requiring external connections to the sewage disposal system shall have such connections approved by the health officer. A collection and disposal system for liquid waste shall also be provided within the park for those recreational vehicles having self-contained waste systems. The liquid disposal and collection system shall meet all TDEC requirements.

The developer of a travel trailer park shall first attempt to dispose of sewage through a public sewerage system. If this attempt is not feasible, then a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available, all approved by the health officer/TDEC.

No RV shall be placed over a soil absorption field.

An approved treatment plant may be used instead of a public sewerage or septic tank system.

(6) Length of occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than one hundred eighty-two (182) days.

(7) Parking. Car parking spaces shall be provided in sufficient numbers to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Car parking spaces shall be located for convenient access to the travel trailer spaces. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the travel trailer park. (Ord. #138, July 2004, as renumbered by Ord. #200, May 2014)

14-206. Administration and enforcement. (1) Highest standards applies. In any case where a provision of this chapter is found to be in conflict with a provision of any private or public act or local ordinance or code, the provision that establishes the higher standard for promotion and protection of the health and safety of the people shall prevail.

(2) Enforcement. It shall be the duty of the county health officer and town-zoning administrator to enforce the provisions of this ordinance.

(3) Decatur Board of Zoning Appeals to hear appeals. The applicability of this ordinance or the validity or applicability of a regulation promulgated pursuant to this ordinance, may be determined in a hearing before the Decatur Board of Zoning Appeals. The board shall grant a hearing to aggrieved persons upon request. The complainant shall file a written petition. The board shall hold an advertised hearing on the appeal within sixty (60) days of receipt of petition. The complainant and all other interested parties shall be given notice of the time and place of the hearing.

The complainant may appeal the board's decision by seeking judicial review.

(4) Variance process. Variance from the requirements of these regulations shall only be based upon hardship created through lot conditions necessitating such when the intent of these regulations shall not be changed. Variance shall be through the approval of the site plan by a two-thirds (2/3) vote of the quorum present. Such variance and the reason as to why granted shall be noted in the minutes of the planning commission.

(5) Improper utility connection. If a utility company or similar public facility corporation connects with the system of a structure or initiates service in violation of this ordinance or the regulations promulgated hereunder, the planning commission through the town attorney shall direct such company or corporation to close the connection and discontinue service at the company's or corporation's expense.

(6) Violations. Violations of this ordinance or the regulations promulgated hereunder shall be punishable by a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each offense. Each day a violation is continued shall constitute a separate offense. Prior to the levy of a fine, written notice shall be given to the offender specifying in what manner he has violated this ordinance. This notice shall specify the manner and ordinances necessary to correct conditions in violation.

(7) Existing mobile home parks (grandfather clause). Any mobile home park or RV campground permitted pursuant to the provisions of this ordinance, may be continued even though such use does not entirely conform with the provisions of this ordinance provided they do not violate public health regulations and provided, however, that this ordinance will govern:

(a) Mobile home parks or RV campgrounds re-established after a discontinuance for more than six (6) months;

(b) The extension or enlargement of any mobile home park or RV campground in existence prior to the adoption of this ordinance; and

(c) Mobile home parks or RV campgrounds rebuilt, altered, or repaired after the effective date of this ordinance due to damage or destruction of more than one-half (½) of the park's total capacity.

(8) Amendment. Any member of the board of mayor and aldermen may introduce such amendment, or any official, board or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this ordinance. All changes and amendments shall be effective only after a fifteen (15) day official notice and public hearing. No such amendment shall become effective unless it is first submitted to the planning commission for approval. If such amendment is disapproved by the planning commission, it shall receive the favorable vote of a majority of the entire membership of the Decatur Board of Mayor and Aldermen. (Ord. #138, July 2004, as renumbered by Ord. #200, May 2014)

CHAPTER 3

ZONING ORDINANCE[1]

SECTION

14-301. Land use to be governed by zoning ordinance. Land use within the Town of Decatur, Tennessee shall be governed by the "Zoning Ordinance," and any amendments thereto.[2] (as renumbered by Ord. #200, May 2014)

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[1]Planning and zoning within the Town of Decatur is regulated by the Meigs County Regional Planning Commission.

[2]The Town of Decatur Zoning Ordinance and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

Amendments to the zoning map are of record in the office of the recorder.

Detailed subdivision regulations of the Town of Decatur are published as a separate document and are of record in the office of the recorder.

CHAPTER 4

MUNICIPAL FLOODPLAIN ORDINANCE

SECTION

14-401. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Decatur, Tennessee, Mayor and Alderman, do ordain as follows:

(2) Findings of fact. (a) The Town of Decatur, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the Town of Decatur, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (Ord. #89, Nov. 1994, as replaced by Ord. #173, July 2010, and renumbered by Ord. #200, May 2014)

14-402. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' to 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "Special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the one hundred (100) year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "Structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer

amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "Existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights

greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Decatur, Tennessee inventory of historic places and detemined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood".

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure" for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means (a) Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(i) The appraised value of the structure prior to the start of the initial improvement; or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(ii) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #89, Nov.

1994, as replaced by Ord. #173, July 2010, and renumbered by Ord. #200, May 2014)

14-403. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the Town of Decatur, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Decatur, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) , Community 47121 CIND0A Panel Number(s) 141, 142, 143, 144, dated September 17, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Decatur, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by

Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Decatur, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #89, Nov. 1994, as replaced by Ord. #173, July 2010, and renumbered by Ord. #200, May 2014)

14-404. Administration. (1) Designation of ordinance administrator. The city recorder in cooperation with the zoning administrator is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-405(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest

adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-404(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-404(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-404(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Decatur, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #89, Nov. 1994, as replaced by Ord. #173, July 2010, and renumbered by Ord. #200, May 2014)

14-405. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-405(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-405(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-404(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no longer than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-405(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-402).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-405(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) days;

(B) Be fully licensed and ready for highway use (a recreational vehicles is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See § 14-405(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-403(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other

development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the Town of Decatur, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-403(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-403(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-405(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home

parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-404(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-405(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Decatur, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2). Within approximate A Zones, require that those subsections of § 14-405(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-403(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-405(1) and (2) apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet

(3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-405(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-404(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-403(2), are areas of the one hundred (100) year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-404 and 14-405 shall apply.

(8) Standards for unmapped streams. Located within the Town of Decatur, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-404 and 14-405. (Ord. #89, Nov. 1994, as replaced by Ord. #173, July 2010, and renumbered by Ord. #200, May 2014)

14-406. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The Town of Decatur, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals; how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (amount) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (number of) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Decatur, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation

will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-4206(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars ($25.00) for one hundred dollar ($100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #89, Nov. 1994, as replaced by Ord. #173, July 2010, and renumbered by Ord. #200, May 2014)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

CHAPTER 1

MISCELLANEOUS[2]

SECTION

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

[2]State law references
Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

15-101. 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. (1970 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. (1970 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. (1970 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1970 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1970 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1970 Code, § 9-111)

15-107. 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. (1970 Code, § 9-112)

15-108. 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 municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1970 Code, § 9-113)

15-109. 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, and shall be uniform as to type and location throughout the town. (1970 Code, § 9-114, modified)

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[1]Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-508.

15-110. 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. (1970 Code, § 9-115)

15-111. 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 municipal authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, and approved irrespective of whether or not they were lawfully placed originally. (1970 Code, § 9-116)

15-112. 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. (1970 Code, § 9-117)

15-113. 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. (1970 Code, § 9-118)

15-114. 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. (1970 Code, § 9-119)

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1970 Code, § 9-120)

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any

portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1970 Code, § 9-121)

15-117. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1970 Code, § 9-122)

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) 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. (1970 Code, § 9-123)

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1970 Code, § 9-124)

15-120. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1970 Code, § 9-125)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1970 Code, § 9-126)

15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

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

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

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

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

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

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

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

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

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

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

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

15-123. Compliance with financial responsibility required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

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

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

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

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision

thereof, and that such motor vehicle was being operated with the owner's consent.

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

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (Ord. #125, March 2002)

15-124. Use of safety belts in passenger vehicles--violations--penalties. (1) No person shall operate a passenger motor vehicle in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(2) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle in this state, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(3) A violation of this section is an offense punishable under the general penalty clause of this code. (Ord. #128, July 2002)

15-125. Child passenger restraint systems--violations--penalties.

(1) Any person transporting a child under four (4) years of age in a motor vehicle upon a road, street or highway of Tennessee is responsible for providing for the protection of the child and property using a child passenger restraint system meeting federal motor vehicle safety standards. Nothing in this subsection restricts a mother from removing the child from the restraint system and holding the child when the mother is nursing the child.

(2) Any person transporting a child between four (4) and eight (8) years of age who weighs less than forty (40) pounds, in a motor vehicle upon a road, street or highway of Tennessee is responsible for providing for the protection of the child and properly using a separate carrier, an integrated child seat or a belt-positioning booster seat.

(3) (a) Any person transporting any child between four (4) and eight (8) years of age who weighs forty (40) pounds or more, or any child, between eight (8) years of age and fifteen (15) years of age, in a passenger motor vehicle upon a road, street or highway of Tennessee is responsible for the protection of the child and properly using a passenger restraint system, including safety belts, meeting federal motor vehicle safety standards.

(b) If all seat belts or other passenger restraints in a passenger motor vehicle originally provided by the manufacturer are occupied, no fine shall be imposed on a person pursuant to the provisions of this subsection for the failure of a child four (4) years of age through fifteen (15) years of age, inclusive, in the back seat to properly use a passenger restraint system.

(c) Notwithstanding any provisions of law to the contrary, no more than one (1) citation may be issued for a violation of this subsection per vehicle per occasion.

(4) A violation of this section is an offense punishable under the general penalty clause of this code. (Ord. #129, July 2002)

15-126. Delivery of vehicle to unlicensed driver, etc.

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

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

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

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

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

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

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

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. (1970 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:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limit so long as life or property is not thereby endangered; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

(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. (1970 Code, § 9-103)

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[1]Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

15-203. Following emergency vehicles. No driver of any vehicle other than one on official business shall follow any authorized emergency vehicle apparently traveling 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. (1970 Code, § 9-104, modified)

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. (1970 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. (1970 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. (1970 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.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1970 Code, § 9-203, modified)

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. (1970 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION
15-401. Generally.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.

15-401. Generally. Every driver who intends to turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in Tennessee Code Annotated, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement. (1970 Code, § 9-301, modified)

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. (1970 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 such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (1970 Code, § 9-303, modified)

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. (1970 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1970 Code, § 9-305)

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

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

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall stop before entering the crosswalk on the near side of the intersection or, if there

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[1]Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.

is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

15-505. At "yield" signs. (1) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway or other roadway, or which are approaching so closely on the highway or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(2) Where there is provided more than one (1) lane for vehicular traffic entering a through highway or other public roadway, if one (1) or more lanes at such entrance are designated a yield lane by an appropriate marker, this section shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls.

15-506. At traffic control signals generally. Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and 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 either 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) Yellow alone, or "Caution", when shown following the green or "Go" signal:

(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 the signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) 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. A right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(c) A left turn on a red or stop signal shall be permitted at all intersections within the city where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except that clearly marked by a "No Turn of Red" sign, which may be erected by the city at intersections which the city decides requires no left turns on red in the interest of traffic safety.

(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) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(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 at the signal.

15-507. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply at railroad grade crossings.

15-508. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

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

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

15-509. Stops to be signaled. Every driver operating a motor vehicle who intends to stop such vehicle, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give the signal required in Tennessee Code Annotated, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement.

CHAPTER 6

PARKING

SECTION
15-601. Generally.
15-602. Angle parking.
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Presumption with respect to illegal parking.

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

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

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1970 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1970 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. (1970 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 municipality, 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 municipality.

(12) Upon any highway, or shoulder thereof, or upon property that abuts the shoulder of the highway, in such a manner so as to endanger, interfere with or obstruct traffic traveling upon the highway in either direction. (1970 Code, § 9-504, as amended by Ord. #62, May 1988)

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 municipality as a loading and unloading zone.

Upon any highway, or upon the shoulder thereof, or upon property which abuts the shoulder of the highway, in such a manner so as to endanger, interfere with or obstruct traffic traveling upon the highway in either direction. (1970 Code, § 9-505, as amended by Ord. #62, May 1988)

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. (1970 Code, § 9-512)

CHAPTER 7

ENFORCEMENT

SECTION

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 city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1970 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. (1970 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 thirty (30) days during the hours and at a place specified in the citation. (1970 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

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[1]State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been affixed to the vehicle and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1970 Code, § 9-604, modified)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1970 Code, § 9-605)

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

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq.

15-707. 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 violations excluding handicapped parking. For parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of ten dollars ($10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, his civil penalty shall be twenty-five dollars ($25.00).

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER 1

MISCELLANEOUS

16-101. Acceptance of new streets. Before new streets are accepted and approved for maintenance, both preliminary and completed plans or plats of a proposed subdivision shall have been submitted to and approved by the mayor and board of aldermen. (1970 Code, § 12-201)

16-102. 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. (1970 Code, § 12-202)

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[1]Municipal code references
Related motor vehicle and traffic regulations: title 15.
Subdivision regulations: title 16, chapter 3.

16-103. 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 out over any sidewalk at a height of less than eight (8) feet. (1970 Code, § 12-203)

16-104. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1970 Code, § 12-204)

16-105. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code. (1970 Code, § 12-205)

16-106. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of aldermen after a finding that no hazard will be created by such banner or sign. (1970 Code, § 12-206, modified)

16-107. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1970 Code, § 12-207)

16-108. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1970 Code, § 12-208)

16-109. 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. (1970 Code, § 12-209)

16-110. 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. (1970 Code, § 12-210)

16-111. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without 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 immediately clean up the resulting litter immediately. (1970 Code, § 12-211)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1970 Code, § 12-212)

16-113. 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. (1970 Code, § 12-213)

16-114. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EXCAVATIONS AND CUTS[1]

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.
16-211. Drainage regulations.

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. (1970 Code, § 12-101)

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

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[1]State 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).

agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1970 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1970 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars ($25.00) if no pavement is involved or seventy-five dollars ($75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. 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 municipality if the applicant fails to make proper restoration. (1970 Code, § 12-104)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1970 Code, § 12-105)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the

excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1970 Code, § 12-106)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $250,000 for each person and $600,000 for each accident, and for property damages not less than $85,000 for any one (1) accident. (1970 Code, § 12-107, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1970 Code, § 12-108)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1970 Code, § 12-109)

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. Driveway control dimensions shall be as follows:

Residential:	10 feet minimum/20 feet maximum.
Commercial:	20 feet minimum for one way use. 40 feet maximum for two way use. 16 feet minimum.

Distance between double driveways shall be at least the width of the driveway. When two or more driveways are provided for the same business front a safety island of not less than twenty-five (25) feet in width shall be provided. Driveway aprons shall not extend out into the street. (1970 Code, § 12-110)

16-211. Drainage regulations. All driveways and buffer areas shall be constructed so as to not impair drainage within the street right-of-way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter drainage of the adjacent areas. Culverts, catch basins, drainage channels, and other drainage structures shall be installed in order to assure the free flow of water within the buffer area and under the driveway as a result of the property being developed. (1970 Code, § 12-111)

CHAPTER 3

SUBDIVISION REGULATIONS[1]

SECTION
16-301. Definitions.
16-302. Minimum width for street dedications.
16-303. Minimum grade for streets.
16-304. Minimum width of surface of streets.
16-305. Minimum thickness of surface of streets.
16-306. Drainage requirements of streets.
16-307. Access requirements for subdivisions.
16-308. Street monuments.

16-301. Definitions. "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions for the purpose (whether immediate or future) of sale or building development. (1970 Code, § 11-101)

16-302. Minimum width of street dedications. The minimum dedication of all streets shall be not less than fifty (50) feet. These widths shall be measured from lot line to lot line, and along existing roads or streets, the minimum distance from lot line to center of road or street shall be not less than twenty-five (25) feet. (1970 Code, § 11-102)

16-303. Minimum grade for streets. All roads or streets shall have a minimum graded width between shoulders of twenty-seven (27) feet. (1970 Code, § 11-103)

16-304. Minimum width of surface of streets. All roads or streets shall have a minimum surfaced width of twenty (20) feet. (1970 Code, § 11-104)

16-305. Minimum thickness of surface of streets. All roadways shall have a minimum compacted surface thickness of six (6) inches, and of satisfactory material. (1970 Code, § 11-105)

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[1]Detailed subdivision regulations of the Town of Decatur are published as a separate document and are of record in the office of the recorder.

Municipal code references

Acceptance of streets: § 16-201.

Water main extensions: §§ 18-107 through 18-109.

16-306. Drainage requirements of streets. All roads shall have adequate drainage structures with inlet and outlet ditches. The clearance between all headwalls of drainage structures shall be twenty-seven (27) feet. (1970 Code, § 11-106)

16-307. Access requirements for subdivisions. The subdivision of the land shall be such as to provide each lot, by means of either a public street or way of permanent easement, with satisfactory access to an existing public highway. (1970 Code, § 11-107)

16-308. Street monuments. Monuments shall be placed at all block corners, angle points, and points of curves in streets. Monuments shall consist of iron rods at least one-half (½) inch in diameter by two (2) feet long, set in concrete at least six (6) inches in diameter by thirty (30) inches deep, or otherwise as approved by the Board of Mayor and Aldermen of the Town of Decatur, Tennessee. (1970 Code, § 11-108)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER
1. REFUSE.

CHAPTER 1

REFUSE

SECTION
17-101. Definitions.
17-102. Designation of health officer.
17-103. Premises to be kept clean.
17-104. Accumulation of refuse.
17-105. Disposal of refuse, garbage, and rubbish.
17-106. Burning or dumping in streams, sewers, drains, ditches, streets, and alleys prohibited.
17-107. Permits required for business of collecting garbage and refuse.
17-108. Collection of vehicles.
17-109. Notice of violations.
17-110. Penalties.

17-101. Definitions. (1) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(2) "Collector." The term "collector," shall mean any person, firm, or corporation that collects, transports, or disposes of any refuse within the corporate limits of the Town of Decatur.

(3) "Garbage." The term "garbage," shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by products, from all public and private residences and establishments.

(4) "Health officer." The term "health officer," shall mean the health authority of the Town of Decatur or its authorized representative.

(5) "Refuse." The term, "refuse," as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, and all other putrescible and non-putrescible, combustible and non-combustible materials originating from the preparation, cooking and consumption of food, market refuse, waste from the handling and sale of produce and other similar unwanted materials, but shall

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[1]Municipal code reference
Property maintenance regulations: title 13.

not include sewage, body wastes, or recognizable industrial by-products, from all residences and establishments, public and private.

(6) "Rubbish." The term "rubbish," shall include all non-putrescible waste materials except ashes from all public and private residences and establishments. (1970 Code, § 8-101)

17-102. Designation of health officer. The Health Officer for the Town of Decatur shall be the Director of Public Health, State of Tennessee, for Meigs County and Decatur, or his authorized representative, and the director of public health shall furnish the town officials with a list of his representatives who are authorized to enforce this chapter. (1970 Code, § 8-102)

17-103. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the Town of Decatur are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons, firms and corporations are hereby required to store such refuse in sanitary containers and to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1970 Code, § 8-103)

17-104. Accumulation of refuse. Each owner, occupant, tenant, subtenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the Town of Decatur, where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the health officer, for the storage of such refuse. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (1970 Code, § 8-104)

17-105. Disposal of refuse, garbage, and rubbish. All disposal of refuse, garbage, and rubbish shall be by methods approved by the health officer. The disposal of any refuse in any quantity by an individual, householder, establishment, firm, or corporation in any place in the town, public or private, is expressly prohibited without the prior approval of the health officer. (1970 Code, § 8-105)

17-106. Burning or dumping in streams, sewers, drains, ditches, streets, and alleys prohibited. It shall be unlawful for any person, firm, or corporation to dump refuse, rubbish, and garbage in any form into any stream, ditch, storm sewer, street, or other place of this nature in the Town of Decatur.

It shall be unlawful for any person, firm, or corporation to burn any refuse, rubbish, or garbage in any stream, ditch, drain, street, or alley of the town without the approval of the health officer.

The burning of any refuse, rubbish, or garbage on private property within the town shall be under the supervision and approval of the health officer.[1] (1970 Code, § 8-106)

17-107. Permits required for business of collecting garbage and refuse. No person, firm, or corporation shall engage in the business of collecting refuse, garbage, and rubbish or removing the contents of any refuse container (other than the owner of such container) for any purpose whatsoever, who does not possess a permit to do so from the health officer or the mayor of the town. Such permit shall be issued without charge and may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permit may be revoked or suspended upon violation of any of the terms of this chapter. (1970 Code, § 8-107)

17-108. Collection of vehicles. The health officer shall prescribe provisions and requirements of collection vehicles to prevent the scattering of refuse over the streets and thoroughfares of the town. (1970 Code, § 8-108)

17-109. Notice of violations. It shall be the duty of the health officer or his authorized representative to inform the owners, occupants, tenants, or lessee of such properties when violations of this chapter are known to exist, and request that such violations be corrected within a reasonable time to be specified by the health officer.

Should the violation not be corrected within the time specified by the health officer, the health officer shall give the violator a written notice requiring the violation to be corrected within thirty (30) days. A copy of the written notice shall be furnished the mayor and chief of police.

Should there be a continuance of the violation after the issuance of the written notice and the expiration of the thirty (30) day period, it shall be the duty of the health officer to secure a warrant of arrest for the violation of this chapter. (1970 Code, § 8-109)

17-110. Penalties. Any person who shall violate any of the provisions of this chapter, or who shall fail or refuse to obey any notice issued by the health officer or his authorized representative, with reference to storage, accumulation, or disposal of waste, refuse, garbage, and rubbish, or the collection thereof, described in this chapter shall be guilty of a misdemeanor and shall be subject

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[1]Municipal code reference
Open burning: § 13-106.

to punishment under the general penalty clause of this code. (1970 Code, § 8-110)

TITLE 18

WATER AND SEWERS[1]

CHAPTER

CHAPTER 1

WATER

SECTION

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[1]Municipal code references
Cross connections and cuts: title 18, chapter 3.
Fluoridation: title 18, chapter 4.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1970 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(2) "Due date" shall mean the date twelve (12) days (twelfth of each month) 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 bills can be paid at net rates.

(3) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling unit shall be considered a separate dwelling.

(4) "Household" means any two (2) or more persons living together as a family group.

(5) "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.

(6) "Service line" shall consist of the pipe line extending from any water main of the municipality 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 municipality's water main to and including the meter and meter box. (1970 Code, § 13-102, modified)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1970 Code, § 13-103, modified)

18-104. Application and contract for service. (1) Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take the service by reason of not occupying

the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

(2) The receipt of prospective customer's application for service shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant.

(3) To have water connected to an existing tap or a new tap the customer must provide the following:

(a) Signature on contract (which must match the name on the account);

(b) Complete and current service address;

(c) Correct mailing address;

(d) Phone number or number to be reached;

(e) Social security number;

(f) Place of work or source of income;

(g) Documentation showing ownership if they are a property owner.

(4) (a) Twenty dollar ($20.00) non-refundable user fee if the customer is a residential property owner, thirty-five dollars ($35.00) if the service connection is above 3/4";

(b) Twenty-five dollar ($25.00) non-refundble user fee if the customer is a commercial property owner, fifty dollars ($50.00) if the service connection is above 3/4";

(c) Thirty dollar ($30.00) non-refundable user fee if the customer is an industry, fifty dollars ($50.00) if the service connection is above 3/4";

(d) Fifty dollar ($50.00) user fee if the customer is renting either residential or commercial property.

Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-104, modified)

18-105. <u>Service charges for temporary service</u>. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1970 Code, § 13-105)

18-106. <u>Connection charges</u>. Service lines will be laid by the municipality from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the municipality.

(1) To have a water tap set the customer must provide the following:

(a) Inside city limits - $400.00;

(b) Outside city limits- $600.00;
(c) Septic tank permit (if not on sewer system);
(d) Zoning or building permit if new construction.

Once the tap and meter have been set, customers must pay a minimum bill whether using water or not using water.

The maximum extension for payment of a water tap shall be twelve (12) months. If the tap is paid by a grant, the customer must pay a minimum bill for no less than two (2) years or as required by the agency providing the LMI.

(2) To have a sewer tap set the customer must provide the following: Sewer tap fee of four hundred dollars ($400.00).

This fee shall be used to pay the cost of laying a new service line and appurtenant equipment. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1970 Code, § 13-106, modified)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of five hundred (500) feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas. All main extensions must be engineered and must be approved by the state.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each one hundred (100) feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the municipality at which time pro rata amounts of the cash deposit shall also be returned to the depositors. (1970 Code, § 13-107, modified)

18-108. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section cement-lined cast iron pipe, class 150 American Water Works Association Standard, or PVC pipe, 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 one thousand (1,000) feet from the most distant part of any dwelling structure and no farther than six hundred (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 two (2) inches in diameter, or PVC pipe, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water system and shall furnish water 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. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

Provided further, that before water service is furnished to any new subdivision both preliminary and completed plans or plats of the proposed subdivision shall have been submitted to and approved by the mayor and board of aldermen.[1] (1970 Code, § 13-108, modified)

18-109. Requirements for addition to and/or connection with the town water system. The Town of Decatur will not accept or permit any individual, company, corporation or developer to make an extension to the town water system without installing a six (6) inch water main or larger under specifications and plans approved by the town. All plans and specifications must show the installation of a cut-off valve and a six inch fire hydrant for each one thousand (1000) lineal feet of the main before approval of the addition or connection.

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[1]Municipal code reference
Subdivision regulations: title 16, chapter 3

If the added water main or line extension is approved and accepted by the town, the individual, corporation, company or developer shall be required to maintain and repair the water main or extension for a period of one (1) year from the date of accepting the water main as part of the town water system by the Town of Decatur. (1970 Code, § 13-108A)

18-110. Variances from and effect of preceding rules as to extensions. Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the governing body.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1970 Code, § 13-109)

18-111. Meters. All meters shall be installed, tested, repaired, and removed by the municipality.

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 municipality. 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. (1970 Code, § 13-110)

18-112. Meter tests. The municipality 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:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality 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 a meter testing charge in the amount of twenty-five dollars ($25.00) for residential service. Rates, fees, and charges that are established after the adoption of this

municipal code shall be provided by resolution of the board of mayor and aldermen.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1970 Code, § 13-111, modified)

18-113. Schedule of rates. All water furnished by the municipality shall be measured or estimated in gallons to the nearest multiple of 1,000 and shall be furnished under such rate schedules as the municipality may from time to time adopt by resolution.[1] (1970 Code, § 13-112, modified)

18-114. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality. (1970 Code, § 13-113, modified)

18-115. Billing. Bills for residential service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Water bills must be paid on or before the due 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.

Water bills will be mailed on the first day of the month and due and payable by the twelfth day of the month. All bills are due by the 12th of each month; delinquent thereafter, and penalty is applied on or about the 13th day of the month. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on 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 municipality 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 municipality reserves the right to render an estimated bill based on the best information available.[2]

The cut off date is ten (10) days after the due date (22nd). All customers who have not paid by the cut off date may have their service disconnected.

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[1]Water rate resolutions are available in the office of the recorder.

[2]Water rates are of record in the office of the recorder.

If a check is returned the customer will be notified by phone that day or by mail if no phone number is available. If the customer pays in cash the bad check on the day it is returned no charge will be added. If the customer pays any day thereafter a thirty dollar ($30.00) returned check charge will be applied. If the customer fails to pay the bad check within fifteen (15) days after the day it is received back from the bank their water will be disconnected until the check and the thirty dollar ($30.00) fee is paid. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

Adjustments. Adjustments may be made only when a customer has a leak or when a customer is filling a pool.

(1) If customer has sewer service, any gallons over their average may be adjusted off the sewer charge.

(2) If customer does not have sewer service, gallons over their average may be adjusted based on the inside city rate. If the customer lives outside the city, they will be given the inside the city rate. If the customer lives inside the city no adjustment can be given.

No other type of adjustment is allowed.

One (1) leak adjustment or one (1) pool adjustment per year is allowed. Water payments must be paid on time in order to receive an adjustment or an agreement to pay must be approved by the recorder.

Customers with a water leak resulting in a bill over one hundred dollars ($100.00) after an adjustment may be set up on a payment plan to pay the bill with the maximum extension for payment being six (6) months. (1970 Code, § 13-114, modified)

18-116. Discontinuance or refusal of service. The governing body shall have the right to discontinue 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.

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 municipality 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.

If a customer leaves one residence owing a water bill and later requests water service at another residence, no service will be provided until the prior balance has been paid in full.

Before receiving service, the spouse of a water customer may be required to pay any outstanding bill if he or she lived at the previous residence and the contract was in the other spouse's name.

Rental property owners who wish to have the water remain on between renters will be responsible for all water used whether the renter pays or not since they will have signed the contract and the water will be in the property owner's name. Rental property owners who wish to have the water put in the renter's name each time will have to pay a twenty dollar ($20.00) connection and sign a contract to get the water on in between renters if they wish to have water to clean up. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-113, modified)

18-117. Re-connection charge. The re-connect fee shall be twenty-five dollars ($25.00) or fifty dollars ($50.00) after hours, for the first incidence of disconnection for non-payment. The fee shall be doubled for a second or each subsequent incidence, fifty dollars ($50.00), or one hundred dollars ($100.00) after hours within one year. Rates and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-116, modified)

18-118. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality 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 municipality 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 municipality 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 municipality 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. (1970 Code, § 13-117)

18-119. Access to customers' premises. The municipality'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 municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1970 Code, § 13-118)

18-120. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality 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 municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1970 Code, § 13-119)

18-121. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connection, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1970 Code, § 13-120)

18-122. Customer's responsibility for violations. Where the municipality furnishes water 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.

If a meter is locked off and the customer cuts the lock and restores their own service, there will be a charge of eight dollars ($8.00) for the lock and fifty dollars ($50.00) for meter tampering.

The fifty dollar ($50.00) tampering charge will apply for any other type of tampering with property belonging to the water company and for the unauthorized use of water. This includes taking water out of a hydrant or using

water from a meter without the authorization of the water company. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

Anyone who is caught straight-piping water will be cited to court for theft of services and prosecuted under Tennessee Code Annotated, § 65-35-102(3) and Tennessee Code Annotated, § 65-35-104(a),(b).

In order to have service restored, the customer must pay their balance in full and pay all applicable fees including a re-connect fee. Water service may be denied if it is determined that the customer is likely to defraud the water company again. (1970 Code, § 13-121, modified)

18-123. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality 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 municipality. (1970 Code, § 13-122)

18-124. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1970 Code, § 13-123)

18-125. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence.

Anyone wishing to buy water from a hydrant must pay fifteen dollars ($15.00) for use of the hydrant in addition to the regular water rates for the amount of water used. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-124, modified)

18-126. Damages to property due to water pressure. The municipality 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 municipality's water mains. (1970 Code, § 13-125)

18-127. Liability for cutoff failures. The municipality'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 municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality 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 municipality's main.

Except to the extent stated above, the municipality 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 municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1970 Code, § 13-126)

18-128. Restricted use of water. In times of emergencies or in times of water shortage, the municipality 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. (1970 Code, § 13-127)

18-129. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality 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 system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from the resumption of service without notice after any such interruption. (1970 Code, § 13-128)

18-130. Cut-off valve required. A cut-off valve shall be installed in the service line between the meter and the customer's premises before a water connection is made or meter installed by the municipality. (1970 Code, § 13-129)

18-131. Meter tampering charge established. A charge of fifty dollars ($50.00) shall be made to any customer who tampers with the system's equipment located on or off the customer's property, including meters, cut-offs, stop cocks, valves, hydrants, spigots, or fire plugs without first obtaining written permission from the municipality. (1970 Code, § 13-130, modified)

18-132. Service charge for temporary discontinuance of water service. Whenever a customer requests discontinuance of water service at their

residence, a five dollar ($5.00) service charge shall be collected by the municipality before service is restored. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-131, modified)

18-133. Collection charge. Whenever a customer's bill has to be collected at the premises, a collection charge of five dollars ($5.00) shall be collected in addition to the total amount of the bill. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-132, modified)

CHAPTER 2

SEWER USE ORDINANCE

SECTION

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 law 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 section establishes conditions for connection to the sanitary sewer system and requires application be made at city hall for service connections and may require a discharge permit for certain users. 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 certain users. This section 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 wastewaters and the sludges resulting from wastewater treatment. This ordinance provides measures for the enforcement of its provisions and abatement of violations thereof. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-202. Definitions. (1) Definitions. (a) For purposes of this ordinance, the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

(i) "Clean Water Act (CWA)," or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code (U.S.C.) 1251, et seq.

(ii) "Approved Publicly Owned Treatment Works (POTW) Pretreatment Program" or "Program" or "POTW Pretreatment Program." A program administered by a publicly owned treatment works 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 a regional administrator or state director in accordance with 40 CFR § 403.11.

(iii) "Building sewer." A sewer conveying wastewater from the premises of a user to a community sanitary sewer.

(iv) "Board." Town of Decatur Mayor and Board of Aldermen.

(v) "Bypass." The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(vi) "Categorical standards." National pretreatment standards established by the Environmental Protection Agency (EPA) for specific industrial categories as found in 40 CFR chapter I, subchapter N.

(vii) "Centralized Waste Treatment Facility (CWT)." A commercial centralized waste treatment facility (other than a landfill or an incinerator) which treats or stores aqueous wastes generated by facilities not located on the CWT site and which disposes of these wastes by introducing them to the POTW.

(viii) "Combined sewer." A sewer which has been designed to carry both sanitary sewage and storm water runoff.

(ix) "Composite sample." A sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the composting or sample period.

(x) "Community sewer." Any sewer containing wastewater from more than one premise.

(xi) "Conventional pollutant." Biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform bacteria, and oil and grease.

(xii) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(xiii) "Discharge monitoring report." A report submitted by an industrial user to the superintendent pursuant to this section

containing information relating to the nature and concentration of pollutants and flow characteristics of a discharge from the industrial user to the POTW.

(xiv) "Environmental Protection Agency (EPA)." An agency of the United States or the administrator or other duly authorized official of said agency.

(xv) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the pervious year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(xvi) "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. or less and is generally located inside the building.

(xvii) "Grease trap." An interceptor whose rated flow is 50 g.p.m or more and is located outside the building.

(xviii) "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 connection to a sanitary or combined sewer.

(xix) "Incompatible pollutant." Any pollutant which is not a "conventional pollutant" as defined in this section.

(xx) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b), (c), or (d) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to state waters.

(xxi) "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 section, an industrial user is a source of non-domestic wastes from industrial processes.

(xxii) "Infiltration." Water other than wastewater that enters a sewer system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

(xxiii) "Inflow." Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm waters, surface runoff, street wash waters, and drainage. Inflow does not include, and is distinguished from, infiltration.

(xxiv) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system.

(xxv) "Local administrative officer." The Mayor of Decatur who serves as chief administrative officer of the local hearing authority.

(xxvi) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-210.

(xxvii) "Mass emission rate." The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(xxviii) "Maximum concentration." The maximum amount of a specified pollutant in a volume of water or wastewater.

(xxix) "Meigs County Health Department." The agency designated by the Town of Decatur as responsible for supervision and administration of private wastewater disposal systems in Meigs County.

(xxx) "National Pretreatment Standard." Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1347) 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 approved pretreatment program.

(xxxi) "New source." (A) 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, provided that one of the following criterial is applicable:

(1) The building, structure, facility, or installation is constructed at a site at which no other source is located.

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

(3) The production or wastewater generated processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (A)(2) or (3) of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

(C) Construction of a new source as defined under this subsection has commenced if the owner or operator has taken one of the following actions:

(1) Begun or caused to begin as part of a continuous on-site construction program:

Any placement, assembly, or installation of facilities or equipment.

Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(xxxii) "National Pollutant Discharge Elimination System (NPDES) Permit." A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342)

(xxxiii) "Normal wastewater." Effluent which contains constituents and characteristics similar to effluent from a domestic premise, and specifically for the purposes of this section, does not contain BOD_5, COD, or TSS in concentrations in excess of the following:

BOD_5 -- 300 milligrams per liter

TSS -- 300 milligrams per liter

(xxxiv) "Pass through." A discharge which exits the POTW into waters of the United States in the quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). In the case of POTW receiving discharges from CWTs as defined above, pass through also means the failure of the CWT and the POTW to reduce pollutant discharges from the POTW to the degree required under section 301(b)(2) of the CWA if the CWT discharged directly to surface waters.

(xxxv) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(xxxvi) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(xxxvii) "Premises." A parcel of real estate or portion thereof, including any improvements thereon which is determined by the superintendent to be a single user for purposes of receiving, using, and paying for services.

(xxxviii) "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 changes 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. However, where wastewater from a regulated process is mixed in an equalization facility 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).

(xxxix) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(xl) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292). 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.

In some contexts the term also means the Town of Decatur, i.e., a municipality as defined in section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges and the discharges from such a treatment works.

(xli) "Reclaimed water." Water which, as a result of the treatment of waste, is suitable for direct beneficial or controlled use that would not occur otherwise.

(xlii) "Severe property damage." Substantial physical damage to property, damage to treatment facilities rendering them inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(xliii) "Shall." Is mandatory; "may" is permissive.

(xliv) "Significant industrial user." (A) All discharges subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N.

(B) All non-categorical dischargers that contribute a process wastestream which makes up five (5) percent or more of the average dry weather organic or hydraulic

capacity of the POTW treatment plant, or more than an average of twenty-five thousand (25,000) gallons per day of process wastewater to the POTW.

(C) All non-categorical dischargers that, in the opinion of the superintendent, have a reasonable potential to adversely affect the POTW's operation or violate any pretreatment standard or requirement. 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.

(xlv) "Significant noncompliance." Per 40 CFR 403.8(f)(2)vii.

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the numeric pretreatment standard or requirement (including instantaneous limits) for the same pollutant parameter;

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants, except pH).

(C) Any other violation of a pretreatment effluent limit (instantaneous, daily maximum of longer-term average, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

(E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(F) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

(G) Failure to accurately report noncompliance.

(H) Any other violation or group of violations, which may include violation of a Best Management Practice (BMP), which the control authority determines will adversely affect the operation of implementation of the local pretreatment program.

(I) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(xlvi) "Slug" or "slug discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-207 of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or passthrough or in any other way violate the POTW's local limits or permit conditions.

(xlvii) "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.

(xlviii) "Superintendent." The person designated by the local administrative officer to supervise operation of the POTW and the interceptor sewer system and who is charged with certain duties and responsibilities by this section, or his duly authorized representative, or in his absence or inability to act, the person then in actual charge of said system.

(xlix) "Town." Town of Decatur, Tennessee.

(l) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the administrator of the EPA under the provisions of 33 U.S.C. 1317.

(li) "Treatment works." Any devices and systems used in the storage, treatment, recycling, and reclamation of domestic sewage of liquid industrial wastes, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment

units and clear well facilities; and any works, including land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems.

(lii) "Twenty-four (24)-hour, flow-proportional composite sample." A sample consisting of several effluent portions collected during a twenty-four (24)-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(liii) "Unpolluted water." Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the EPA having jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.

(liv) "User." Any person, firm, corporation, or governmental entity that discharges, causes, or permits the discharge of wastewater into a community sewer.

(lv) "Waste." Sewage and other waste substances (liquid, solid, gaseous, or radioactive) associated with human habitation or of human or animal origin, or from any producing, manufacturing, or processing operation, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(lvi) "Wastewater." Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

(lvii) "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 define, classify, or measure the contents, quality, quantity, and strength of wastewater.

(lviii) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state.

(lix) "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-206(2) of this ordinance. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.

(lx) "Daily maximum limit." The maximum allowable discharge of a pollutant during a calendar day. Where expressed

in terms of mass, the daily discharge is the total mass discharged over the course of the day. Where expressed in terms of concentration, the daily discharge is the arithmetic average concentration of the pollutant derived from all measurements taken that day.

(lxi) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined by analysis of any discrete or composited sample, independent of the flow rate or duration of the sampling event.

(lxii) "Pretreatment standard or standards." Prohibited discharge standards, categorical pretreatment standards, or local limits.

(b) Abbreviations. (i) For the purposes of this ordinance, the following abbreviations shall have the following meanings:

(1) "BAT." Best Available Technology.
(2) "BPT." Best Practical Technology.
(3) "BOD_5." Biochemical Oxygen Demand (5-day).
(4) "CFR." Code of Federal Regulations.
(5) "COD." Chemical Oxygen Demand.
(6) "CWA." Clean Water Act.
(7) "CWT." Centralized Waste Treatment Facility.
(8) "EPA." Environmental Protection Agency.
(9) "GMP." Good Management Practices.
(10) "MBAS." Methylene-blue-active substances.
(11) "mg/l." Milligrams per liter.
(12) "NPDES." National Pollutant Discharge Elimination System.
(13) "POTW." Publicly Owned Treatment Works.
(14) "RCRA." Resource Conservation and Recovery Act.
(15) "SIC." Standard Industrial lassification.
(16) "SWDA." Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
(17) "TSS." Total Suspended Non-filterable Solids.
(18) "U.S.C." United States Code.
(19) "BMP." Best Management Practice. (Ord. #79, ____ 1990, as replaced by Ord. #181, Dec. 2011)

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 one hundred feet (100') of the property line of the parcel containing the building 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 town's sewer system 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 town's sewer system shall cease to use any other method for the disposal of sewage except as approved for direct discharge by the Tennessee Department of Environment and Conservation (TDEC) or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The superintendent shall make any decision as to the availability of sewers. Notwithstanding the above exceptions, all premises served by the town sanitary sewer are subject to sewer use charges as described in § 18-212 of this chapter.

(b) Unconnected sewer service lines prohibited where connection is available. Except for discharge to a properly functioning septic tank system approved by the Meigs County Health Department or discharges permitted by a national discharge elimination system permit (hereinafter NPDES) issued by the TDEC, the discharge of sewage into places other than the town's sewer system is prohibited. All permanently moored boats, floating houses, or floating restaurants, which are not intended to be used as a means of transportation, are likewise required to discharge sanitary sewage into the town's sewer system.

(c) Insufficient capacity, connection moratorium. In those parts of the town 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. Applications issued prior to the date of the moratorium may be completed. No new applications shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue in effect until the 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 required. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the town sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow a sufficient quantity of water to be so applied as properly to carry off all waste matter and keep the same unobstructed.

(3) Right to enter, inspect connection. The superintendent, the building inspector, or other designated employees of the town shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the town's sewers are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause or 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 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 interrupt the treatment process, or shall damage the town'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 agent shall notify the building inspector of such a plug and allow same to be inspected prior to covering of any work. If such line is to be reused, it must first undergo inspection by the building inspector and be in conformity with then-existing standards.

(5) Limitations on point of discharge; temporary facilities. No person shall discharge any substance directly in to a manhole or other opening in a town sanitary sewer other than through an approved building sewer unless he has been issued a temporary permit by the superintendent. A temporary permit may be issued at the discretion of the superintendent to provide for discharges from portable sanitary facilities for festivals or public shows or for other reasonable purposes. The superintendent shall incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with the 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 superintendent shall be unlawful.

(6) Vehicle wash racks. All gasoline filling stations, garages, self-service automobile 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 chapter, a permit as specified therein will be required.

(7) Grease traps, grit traps, oil traps, and lint traps. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These

interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (½") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation, FOG Guidance Manual. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law.

The city retains the right to inspect and approve installation of control equipment.

(f) The superintendent may use industrial wastewater discharge permits under § 18-208 to regulate the discharge of fat, oil and grease.

(8) Multi-user 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 town'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 town's system as a result of any discharge through the private system.

(9) Standard policies on public water and sewer extensions. The town may adopt from time to time standard policies on public water and sewer extensions which are to become part of the town's water or sewer systems

following completion of construction. These policies may include, but are not limited to, requirements for planning, permitting, approval, and acceptance; details. Copies of the policies will be made available to engineers, developers, contractors, plumbers, and other parties desiring to extend or connect to the town's water or sewer systems. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-204. Building sewers, connections, and permits.

(1) Installation, maintenance, repair of sewer service lines; charge; exception.

(a) Definition. A standard sanitary sewer service line is a four inch (4") or six inch (6") pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main or trunk.

(b) Installation of sewer service lines. Four inch (4") building sewers shall be laid on a grade of at least one percent (1%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one (1) of the following approved materials:

(i) Cast iron soil pipe SDR 35 or heavier using rubber compression joints;

(ii) Polyvinyl chloride pipe with 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 superintendent 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 provisions, 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 a building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent (1%) or more where possible. In cases where basement or floor levels are lower than the ground elevation 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 town's sewer.

(c) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works. Contractors must provide the superintendent or manager with documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

(d) Maintenance of building sewers. Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the city. Owners failing to maintain or repair building sewers or who allow storm water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(e) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. Town personnel will provide whatever information is available for this purpose. If no wye or tee exists within three feet (3') of either side of the location shown in the town's records, then a tap will be provided by the town when the sewer main is uncovered. If a manhole needed for locating a service line has been lost, then the town shall be responsible for locating the manhole.

(f) Taps on town sewers. All taps made directly into the town's sewer lines shall be made by town sewer maintenance personnel. The plumbing contractor shall excavate to the town's sewer and expose the pipe in preparation for the tap. Only one service line shall be allowed to be installed in a trench. New taps shall be made using a wye-type connection.

(g) Manhole required. A new manhole will be required whenever a sewer service line larger than six inches (6") is needed to tie into the town's sewer. The plumbing contractor shall excavate to the town's sewer and sufficiently expose the pipe for installation of a manhole. The town's 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.

(h) Maintenance of sewer service lines. All repairs and maintenance of the sanitary 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 service line sub-out.

(i) Exceptions for state highways and railroads. When the installation of sanitary sewer service lines is required for sewers constructed in highways or streets owned by the State of Tennessee for which boring rather than open cutting is required by regulation of the State of Tennessee, installation shall be at the expense of the property owner, and the provisions of subsection (c) shall not be applicable. Whenever a sanitary sewer service line must be installed under a railroad track or railroad right-of-way, the provisions of subsection (c) shall not be applicable, and the property owner shall construct and maintain the sanitary sewer line at his own expense. Installation of sanitary sewer service lines in state highways or streets must be approved by the Tennessee Department of Transportation and by the railroad in railroad rights-of-way.

(2) Service lines to enter sanitary sewers at junction; exception. No service lines shall enter a sanitary sewer at any point except where a junction has been made and left therefor unless by special permission of the superintendent. In all cases where such permission is given, the work shall be done under the inspection of the town's plumbing inspector and at the risk and expense of the party making the connection.

(3) Application required to make connection. (a) Before the owner of any property connects such property into the town sewer, the owner or owner's agent shall make application to and be issued a permit by the superintendent. The work shall be performed only by a licensed master plumber who has also signed the permit. The permit application shall be a form prescribed by the superintendent. All connections shall be inspected and approved by a town inspector before being used.

(b) Connections made without an approved application may be severed by order of the superintendent. 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 regular fee.

(c) No permit for a connection which may be used for discharge of industrial process wastes or other non-domestic wastes regulated by § 18-206 of this chapter shall be issued except upon separate application to the superintendent and approval of the discharge under the provisions of § 18-208.

(4) Sewer construction; acceptance of work. All sewer construction involving interceptor sewer lines, pump stations, metering stations, and appurtenances which shall become a part of the town's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the superintendent. Any construction work where town sewers are opened, uncovered, or undercut must have the prior approval of the superintendent. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-205. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provisions of § 18-203(1), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the sewer service area unless and until a certificate is obtained from the town stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by zoning regulations and the Meigs County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Meigs County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Meigs 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 Meigs 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 Meigs 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 Meigs County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation (TDEC) and the Meigs County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the town.

(f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the

Meigs County Health Department. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-206. Prohibitions and limitations on discharges. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged into 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 § 18-206(4)(i) hereof, and other prohibitions and limitations of 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 superintendent shall review said limitations from time to time to ensure that they are sufficient to protect the health and safety of sewer system 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 the environment. The superintendent 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 test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of ten percent (10%) 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 lower than 5.0 or higher than 9.5, except as provided in § 18-206(16).

(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 cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge (slug) of such volume or strength 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 40 degrees Centigrade (104 degrees Fahrenheit).

(f) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker's health and safety problems.

(g) Any trucked or hauled pollutants, except at discharge points designated 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 noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(j) Any wastewater which imparts color that cannot be removed by the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the town's NPDES permit.

(k) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(l) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(m) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(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 chapter and the specific prohibitions in subsections (c), (d), and (e) of that section 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) (i) A local limit designed to prevent pass-through and/or interference, as the case may be, was developed pursuant to §§ 18-206 (10) and (11) 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.

(ii) 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 the POTW's 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 town's treatment work effluent such that receiving water quality requirements established by the law cannot be met.

(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 § 8-206(10) or cause a violation of the limits in § 18-206(11).

(h) The capacity or 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 superintendent or the board, as applicable, shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to §§ 18-206(15) and 18-206(10) of this chapter 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 that could violate

any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this chapter.

(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 in to 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 section. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation. New sources shall have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(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. The superintendent may impose mass limitations on users who are using dilution to meet applicable standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(7) Limitation 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 filled with the superintendent.

(8) Septic tank pumping, hauling, 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 superintendent 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 superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the superintendent.

(a) The permit shall be valid for a period of one (1) year from date of issuance, provided that the permit shall be subject to suspension or revocation by the superintendent for violation of any provisions of this

code, regulations as established by the superintendent, or other applicable laws and regulations. A revocation or suspension of the permit shall be for a period not to exceed five (5) years. Such revocation or 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 who paid less than fair market value for such business or assets. Users found operating in violation of a permit issued under this subsection and whose permit is therefore revoked by the superintendent, shall be notified of the violation by certified mail or by a notice personally delivered to the user.

(b) Septic tank discharge permits are not automatically renewed. Application for renewal must be made to the superintendent.

(c) 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 wastewater or a mixture of such wastewater with domestic wastewater shall obtain a holding tank discharge permit in accordance with § 18-206(9).

(d) The superintendent shall designate the locations 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 thereto, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.

(e) The superintendent shall have authority to investigate the source of any hauled waste and to require testing of the waste at the expense of the discharger prior to discharge.

(9) Other holding tank waste. 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 superintendent. 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 superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the superintendent. All such dischargers and transporters must show that they have complied with federal manifests and other regulations under RCRA. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and the source and character of the waste, and shall limit the wastewater constituents and characteristics of the discharge. The user shall pay any applicable charges or fees and shall comply with the conditions of the permit. However, the

superintendent may waive at his discretion the application and the fees for discharge of domestic waste from a recreational vehicle holding tank.

(10) Limitations on wastewater strength (local limits). The superintendent will establish and enforce specific pollutant limits (local limits) to implement the prohibitions and requirements of this chapter. In addition, where deemed appropriate, the superintendent may develop Best Management Practices (BMP's) to implement the requirements of this chapter. Any such BMP's shall be considered local limits. Local limits shall be deemed pretreatment standards for the purposes of this ordinance. No user shall discharge wastewater with pollutant concentrations in excess of the concentration set forth in the table below unless:

(a) An exception has been granted the user under the provision of § 18-207(8); or

(b) The user's wastewater discharge permit provides as a special permit condition temporarily allowing a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

Pollutant	**Maximum Concentration (mg/l) (24-hour Flow Proportional Composite Sample)**	**Maximum Instantaneous Concentration (mg/l) (Grab Sample)**
Cadmium (Cd)	0.061	-
Chromium (Cr)	0.689	-
Copper (Cu)	0.857	-
Cyanide (CN)	-	1.010
Lead (Pb)	0.426	-
Mercury	0.0055	-
Nickel (Ni)	0.485	-
Silver (Ag)	0.050	-
Zinc (Zn)	1.758	-
BOD_5	300*	-
Total Suspended Solids	300*	-
Grease and Oil (Soxhlet)	-	124.5
Phenols	-	0.050

*Concentrations above 300 mg/l.

(11) Criteria to protect the treatment plant influent. The superintendent shall monitor the treatment works influent for each pollutant in the following table. Industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-209 as to these pollutants. In the event that the influent at the treatment works reaches or exceeds the established levels, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend remedial measures as necessary, including but not limited to, the establishment of new or revised pretreatment levels for these pollutants. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards or applicable laws or regulations are changed, or when changes are necessary for a more effective operation.

Pollutant	**Monthly Average Maximum Concentration (mg/l)**
Cadmium (Cd)	0.033
Copper (Cu)	0.500
Chromium (Cr)	0.375
Nickel (Ni)	0.273
Lead (Pb)	0.250
Mercury (Hg)	0.0002
Silver (Ag)	0.029
Zinc (Zn)	1.053
Cyanide (CN)	0.605

(12) Storm drainage, ground water, unpolluted water, and contaminated storm water. (a) 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 superintendent. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flowmeter or a reasonable estimate accepted by the superintendent. 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 repair or replace any leaking or damaged lines.

(b) The town will accept the 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 town's discharge limits and all state and federal pretreatment requirements; and

(iii) The volume of the discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(13) Limitations on the use of garbage grinders. No waste from garbage grinders shall be discharged into the town's sewers except from private garbage grinders used in an individual residence or upon permit issued by the superintendent for preparation of food consumed on premises, and then only where applicable fees are paid. Installation of any garbage grinder equipped with a three-fourths horsepower (or greater) motor shall require a permit. The superintendent may issue a permit when there is inadequate space on the user's premises to properly store food preparation waste between regularly scheduled garbage pickup by a service with an equal or greater frequency of collection. Provided, further, that such grinders shall shred the waste sufficiently that it can be carried freely under normal flow conditions prevailing in the town's sewer lines. It shall be unlawful for any person to use a garbage 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.

(14) 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 town's sewer.

(15) Obstruction of or damage to sewer lines. 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 sewer 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.

(16) Limitations on pH excursions. Where an industry continuously monitors wastewater pH by means of a recorder, the user shall maintain the pH of such wastewater within the range set forth in the Sewer Use Ordinance,

except excursions from the range are permitted subject to the following limitations:

(a) The total time during which the pH values are outside the required range of pH values shall not exceed seven (7) hours and twenty-six (26) minutes in any calendar month.

(b) No individual excursion from the range of pH values shall exceed sixty (60) minutes duration.

(c) No individual excursions shall fall below a pH of 5.0 s.u.

An excursion is an unintentional and temporary incident in which the pH value of discharge wastewater falls outside the range of pH values set forth by this sewer use ordinance.

(17) Tenant responsibility. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

(18) Mass and concentration limits. (a) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for the purposes of calculating effluent limitations applicable to individual industrial users. In calculating equivalent mass per day limitations, the mass limits in the standard shall be multiplied by the user's average rate of production. The average rate of production shall not be based on the design production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production. For new sources, actual production shall be estimated using projected production. In calculating equivalent concentration limitations, the mass limits in the standard shall be divided by the average daily flow rate of the industrial user's regulated process wastewater. The average daily flow rate shall be based on a reasonable measure of the user's actual long-term average flow rate. Any day in which the facility does not have a discharge should not be included in the calculations of average flow.

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the superintendent shall impose an alternate limit in accordance with § 18-206(22).

(c) Equivalent limitations calculated in accordance with subsections (18), (19), (20), and (21) of this section are deemed pretreatment standards under federal and state law. The superintendent must document how the equivalent limits were derived, from concentration to mass limits or vice versa, and make this information available to the public. Once included in its permits, the industrial user

must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(d) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the superintendent within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the superintendent of such anticipated change will be required to meet the mass or concentration limits in its original control mechanism that were based on the original estimate of the long-term production rate.

(19) Net/gross calculation. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the superintendent. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following criteria are met:

(a) Either:

(i) The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they will be applied on a net basis; or

(ii) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and oil and grease will not be granted unless the industrial user demonstrates that the constituents of the generic measured in the user's effluent are substantially similar to the constituents in the intake water or unless appropriate additional limits are placed on the process water pollutants either at the outfall or elsewhere.

(c) Credit will be granted only to the extent necessary to meet the applicable categorical pretreatment standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standards adjusted under this section.

(d) Credit will be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The superintendent may waive this requirement if he/she finds that no environmental degradation will result.

(20) Equivalent mass units. When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, the industrial user may request that the superintendent convert the limits to equivalent mass limits. The determination to convert concentration to mass limits is within the discretion of the superintendent. The superintendent may establish equivalent mass limits only if the industrial user meets all the following conditions of subsections (a)(i) through (iv):

(a) To be eligible for equivalent mass limits, the industrial user must:

(i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce a water use during the term of its control mechanism;

(ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(iii) Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions.

(iv) Not have any flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(v) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

(i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with equivalent mass limits;

(ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(iii) Continue to record the facility's production rates and notify the superintendent whenever production rates are expected to vary by more than twenty percent (20%) from the baseline production rates determined in subsection (a)(iii) above. Upon notification of a revised production rate, the superintendent must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented

pursuant to subsection (a)(i) above so long as it discharges under an equivalent mass limit.

(c) If the superintendent chooses to establish equivalent mass limits, he/she:

(i) Must calculate the equivalent mass limit by multiplying the actual daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average limits of the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(ii) Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(iii) May retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the average daily flow rates used in the original calculation of the equivalent mass limit were not based upon the use of dilution as a substitute for treatment. The user must also be in compliance with § 18-207(6) regarding prohibition of bypasses.

(21) Equivalent concentration limits. The superintendent may convert the mass limits of categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the superintendent. When converting such limits to concentration limits, the superintendent may use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by § 18-206(6).

(22) Combined waste stream formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the superintendent or by the industrial user with the consent of the superintendent. The alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the superintendent or industrial user shall calculate both an alternative daily maximum value using the maximum value(s) specified in the appropriate categorical pretreatment standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical pretreatment standard(s). The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the superintendent until the superintendent modifies the limits or approves an industrial user's modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An

industrial user must immediately report any such material or significant change to the superintendent.

(a) Alternative limit calculation. Alternative limits shall be calculated using the formula and instructions in 40 CFR 403.6(e).

(b) Alternative limits below detection limit. An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit of any regulated pollutants.

(c) Choice of monitoring location. Where a regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purposes of determining compliance with the applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined waste stream, it shall apply the alternative discharge limit calculated using the combined waste stream formula as described in this section. The industrial user may change monitoring locations only after receiving prior approval from the superintendent. The industrial user may not use dilution as a substitute for adequate treatment to achieve compliance with applicable standards. (Ord. #79, __ 1990, as replaced by Ord. #181, Dec. 2011)

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) of this chapter, to meet applicable national pretreatment standards, to prevent slug discharges or to meet other wastewater condition or limitation contained in the industrial user's wastewater discharge permit.

(2) Plans and specifications. Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, dated, and sealed by a registered engineer, and be submitted to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans within forty-five (45) days of receipt and recommend to the industrial 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 superintendent. Prior to beginning construction, the industrial user shall also secure building, plumbing, and all other required permits. The industrial user shall construct the pretreatment facility within the time provided in the industrial user's wastewater discharge permit. Following completion of construction, the industrial user shall provide the superintendent with as-built drawings to be

maintained by the superintendent. 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 an effluent complying with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and be approved by the superintendent 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 section from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any industrial user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this section 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 for special permit conditions shall be developed by the user and submitted to the superintendent for review under the provision of § 18-207(2).

(4) Oil and grease discharge control program. Disposal of petroleum oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission and brake fluid, other industrial oils. Vegetable oils used in a restaurant or food processing facilities are governed by § 18-203(7), "Grease traps, grit traps, oil traps, and lint traps."

(5) Slug discharge control program. (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this section as defined in § 18-202(1)(xlvi). No significant industrial user who commences discharge to the sewerage system after January 1, 1990, shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the superintendent. Each existing significant industrial user shall be evaluated by the town for the need for slug discharge control plans or procedures at least once by October 14, 2006.

(b) Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) showing facilities and operating procedures to provide this protection. These plans shall be submitted to the superintendent for review and approval. All existing users required to have SDPC plans shall submit such a plan within three (3) months after notification from the superintendent and complete implementation within six (6) months. Review and approval of such plans and operating procedures shall not relieve the user from the

responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(c) SDPC plans shall address at a minimum the following:

(i) Description of discharge practices, including nonroutine batch discharges.

(ii) Description of stored chemicals.

(iii) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 18-206(2) of this chapter.

(iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(d) 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 waste, concentration and volume, and corrective action shall be provided by the user.

Within five (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 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 sewerage system, fish kills, or any other damage to person or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(e) A notice shall be permanently posted on the user's premises advising employees of a contact 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.

(f) Each significant industrial user shall immediately notify the superintendent of any changes at its facility affecting, the potential for a slug discharge.

(6) Prohibition of bypass. (a) Except as allowed in subsection (c) below, bypass is prohibited, and the superintendent 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 user 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 in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

(iii) The industrial user submitted notices as required under § 18-209(13) of this chapter.

(b) The superintendent may approve an anticipated bypass after considering its adverse effect if the superintendent determines that it will meet three (3) conditions listed in subsection (a) of this section.

(c) Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of § 18-208(13).

(7) Centralized waste treatment facilities. The superintendent shall establish effluent limits for Centralized Waste Treatment facilities (CWT) in order that the level of pollution discharged from the CWT through the POTW to the environment will not exceed the level that would be allowed if the CWT discharged directly to surface waters under section 301(b)(2) of the Act (33 U.S.C. § 1311). Additionally, centralized waste treatment facilities shall maintain records and submit reports as directed by the superintendent regarding the SIC codes of their customers and the frequency, characteristics, and volume of wastes from the various categories.

(8) Exception to wastewater strength standard (local limits).

(a) Applicability. This section provides a method for industrial users subject to the limitation on wastewater strength pollutants listed in § 18-206(10) to apply for and receive a temporary exception to the discharge level for one (1) or more pollutants or parameters.

(b) Time of application. Applicants shall apply for a temporary exception when they are required to apply for a wastewater discharge permit or renewal provided that the superintendent 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 superintendent pursuant to subsection (d) of this section.

(d) Review by superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the superintendent upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate it within thirty (30) days and approve or deny the application based upon the following factors:

(i) The superintendent shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-206(10) and grant an exception only if such exception is within limitations of applicable federal regulations.

(ii) The superintendent 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 provision of section 307(a) of the Act (33 U.S.C. 1317), 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 superintendent shall consider if the exception would create conditions or a hazard to town personnel that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The superintendent shall consider the possibility of the exception causing the treatment works to violate its NPDES permit.

(v) The superintendent 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 town or which would cause the town to violate any regulation promulgated by EPA under the provisions of section 405 of the Act (33 U.S.C. 1345) or similar state regulatory measure.

(vi) The superintendent 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 superintendent may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality and quantity of wastewater discharge.

(viii) The superintendent may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(ix) The superintendent 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 superintendent 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 of pollutants discharged. To be eligible for an exception under this section, the applicant must show that except for water 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 mayor and board of aldermen. The board shall review any appeal to a denial by the superintendent of an application for an exception and shall take into account the same factors considered by the superintendent. At such hearing, the applicant and the superintendent shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-210(4) shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.

(f) Good management practices required. The superintendent or the board shall not grant an exception unless the applicant demonstrates to the board that Good Management Practices (GMP) are being employed to prevent or reduce the contribution of pollutants to the POTW. GMPs 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 quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(9) Variance from categorical pretreatment standards. Industrial users subject to a categorical pretreatment standard may request a variance from the standard for fundamentally different factors from EPA or from the state director in accordance with 40 CFR 403.13. (Ord. #79, _____ 1990, as replaced by Ord. #181, Dec. 2011)

18-208. Wastewater discharge permits. (1) Applicability. The provisions of this section 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 as defined in 40 CFR, part 403.3(j) 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 specific industrial categories is authorized.

(2) Application and permit requirements for industrial users. 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 superintendent determine if the proposed discharge is significant as defined in § 18-202(1). If the discharge is determined not to be significant, then the superintendent may still establish appropriate discharge conditions for the user. Any noncategorical industrial user designated as significant may petition the superintendent to be deleted from the list of significant industrial users 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 superintendent, pay appropriate fees, and agree to abide by the provisions of this chapter and any specific conditions or regulations established by the superintendent. All original applications shall be accompanied by the information specified in § 18-203 of this chapter. The industrial user shall also submit revised plans to the superintendent when alterations or additions to the user's premises affect said plans.

(3) Application requirements. The permit application required for all significant industrial users by § 18-208(2) or other provisions of this section shall contain, in units and terms appropriate for evaluation, the information listed in subsections (a) through (e) below:

(a) The name and address of the industrial user, including name and address of the owner and operator, along with contact information.

(b) A list of environmental permits held by or for the facility.

(c) Description of operations. (i) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user, including a schematic process diagram which indicates the points of discharge to the POTW from the regulated processes;

(ii) The types of wastes generated and a list of chemicals used and materials stored at the facility which could be accidentally discharged to the POTW;

(iii) Number of employees, hours of operation, and proposed or actual hours of discharge to the POTW;

(iv) Type and amount of raw materials processed (average and maximum per day), and type and amount of products produced (rate of production);

(v) Site plans; floor plans; and plumbing plans to show all sewers, floor drains, and appurtenances by size, location, and elevation; and all points of discharge.

(d) Proposed location for monitoring for all waste streams covered by the permit.

(e) Flow measurement. The average and maximum daily flow in gallons per day of discharge of regulated and other streams from the industrial user to the POTW.

(f) Measurement of pollutants. The nature and concentration of pollutants in the discharge from each regulated process from the industrial user 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 determined by standard methods approved by the superintendent. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the superintendent for approval. Sampling must be representative of daily operations and be conducted in accordance with the requirements of § 18-209(4). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or applicable standard.

(g) Description of proposed pretreatment systems or equipment and/or operation and maintenance procedures necessary to meet applicable pretreatment standards and requirements.

(h) Any request for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge.

(i) Any other information as may be deemed necessary by the superintendent to evaluate the permit application.

(4) Incomplete applications. The superintendent will act only on applications that are accompanied by a report which contains all the information required in § 18-208(3) above. Industrial users who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within that period or with such extended time allowed by the superintendent, the superintendent shall deny the application and notify the applicant in writing of such action.

(5) Evaluation of application and permit conditions. Upon receipt of complete applications, the superintendent shall review and evaluate the applications and shall propose such special permit conditions as the superintendent deems advisable. The superintendent may deny or condition new

or increased contributions, or changes in the nature of pollutants, where such contributions would cause the POTW to violate its NPDES permit. All wastewater discharge permits shall be expressly subject to all the provisions of this section and all other applicable ordinances, laws, and regulations. The superintendent may also propose that the wastewater discharge permit be subject to one (1) or more special conditions in regard to any of the following:

(a) All permits shall contain the following:

(i) Statement of duration (in no case more than five (5) years) and effective date;

(ii) Statement of non-transferability without prior notification to the superintendent and provision of a copy of the wastewater discharge permit to the new owner of the industrial property and process;

(iii) Effluent limitations, including BMPs (if applicable), based on general pretreatment standards, categorical standards, local limits, and federal, state and local law;

(iv) Self-monitoring, sampling, reporting, notification, recordkeeping, including identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, sample type;

(v) The process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with § 18-209(2)(f), and any grant of the monitoring waiver by the superintendent under said section.

(vi) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements.

(vii) Applicable compliance schedule. Such schedule shall not extend the compliance date beyond that required by applicable federal, state, or local law;

(viii) Prohibition of bypassing pretreatment or pretreatment equipment.

(ix) Requirements to control slug discharges, if determined by the superintendent to be necessary.

(b) Permits may also contain:

(i) Pretreatment requirements.

(ii) Requirements for the development and implementation of spill control plans necessary to prevent accidental or unanticipated discharges.

(iii) Limits on rate and time of discharge of requirements for flow regulations and equalization.

(iv) Requirements for installation of inspection and sampling facilities, including flow measurement devices.

(v) Development and implementation of waste minimization or pollution prevention plans to reduce the amount of pollutants discharged to the POTW.

(vi) Other conditions deemed appropriate by the superintendent to ensure compliance with this section or other applicable ordinance, law, or regulation.

(vii) Requirements for the installation of facilities to prevent and control accidental discharge or spills at the user's premises.

(viii) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(6) Applicant to be notified of proposed permit conditions; right to object. (a) Upon completion of the evaluation, the superintendent shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.

(b) The applicant shall have forty-five (45) days from and after the date of the superintendent's recommendation for special permit conditions to review same and file written objections with the superintendent in regard to any special permit conditions recommended. The superintendent may, but is not required, to schedule a meeting with applicant's authorized representative within fifteen (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 superintendent or a subsequent agreement is reached concerning same, the superintendent shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein. Otherwise, the superintendent shall submit the disputed matters to the board for resolution.

(7) Board to establish permit conditions; hearing. (a) In the event the superintendent cannot issue a wastewater discharge permit pursuant to § 18-208(6) above, the superintendent shall submit to the board the proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the board or a specially called meeting.

(b) The board shall schedule a hearing within ninety (90) 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 superintendent shall notify the applicant of the date, place, and purpose of the hearing scheduled by the board. The applicant and the superintendent 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 section or other applicable laws or regulations and direct the

superintendent 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 chapter.

(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 (e.g., hiring an engineer, completing the engineering report, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.)

(b) Schedule intervals. No such increment shall exceed nine (9) months.

(9) Duration of permit. All existing permits for significant industrial users shall be reviewed and reissued with revisions as necessary to comply with new regulatory measures of this section on or before June 30, 1991. Wastewater discharge permits shall be issued for a period of time not to exceed three (3) years. Provided that permits issued prior to June 30, 1991, may be issued for a period between two (2) and three (3) years for the administrative convenience of the superintendent so as to stagger the renewal dates of the permits. Provided further that permits issued to industrial users granted an exception pursuant to § 18-207(8) shall be issued for a period of one (1) year.

Notwithstanding the foregoing, industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The superintendent shall notify in writing any industrial user whom the superintendent has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the superintendent in this regard shall not relieve the industrial user of the duty of complying with such national pretreatment standards. An industrial user must apply in writing for a renewal permit within the period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change in accordance with subsection (12) below. Industrial users shall be notified of any proposed changes in their permit by the superintendent at least thirty (30) days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The industrial user may appeal the decision of the superintendent in regard to any changed permit conditions as otherwise provided in this section.

(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 or transferred or sold to a new owner, new user, a different premises, or a new or changed operation, without the prior approval

of the superintendent. Upon approval of a permit transfer, the superintendent will provide the new owner or operator with a copy of the ordinance.

(11) Revocation of permit. Any permit issued under the provisions of this section 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 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 or monitoring;

(e) Failure to notify the superintendent of significant changes to the wastewater prior to changed discharge;

(f) Falsifying self-monitoring reports and certification statements;

(g) Tampering with monitoring equipment;

(h) Failure to comply with the requirements of an enforcement notice or order;

(i) Operating with an expired wastewater discharge permit (unless timely application for renewal has been submitted); or

(g) Failure to provide advance notice of the transfer of business ownership.

(12) Modification of permit. The superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to the following:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements, including changes in the POTW's pass-through limits or NPDES permit limitations;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance.

(c) A change in the POTW that requires either a temporary or a permanent reduction of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the POTW, town personnel, or the receiving waters;

(e) Violation of the terms or conditions of the wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in required reporting;

(g) Revision or a grant of a variance from categorical pretreatment standards;

(h) To correct typographical or other errors in the wastewater discharge permit; or

(i) To reflect transfer of facility ownership or operation to a new owner or operator. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-209. Inspections, monitoring, and records. (1) Inspections, monitoring, and entry. (a) When required to carry out the objective of this section, 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 conditions under this section;

(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 superintendent shall require any industrial user to:

(i) Establish and maintain records;

(ii) Make reports;

(iii) Install, use, and maintain monitoring equipment or methods, including where appropriate, biological monitoring methods;

(iv) Sample effluents in accordance with these methods, at such locations, at such intervals, and in such manner as the superintendent shall prescribe; and

(v) Provide such other information as the superintendent may reasonably require.

(c) Specific requirements under the provisions of subsection (b) of this section shall be established by the superintendent, 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 degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement imposed.

(d) The superintendent or his authorized representative shall, upon presentation of his 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 subsection are located.

(ii) Have access at reasonable times to and copy any records, inspect any monitoring equipment or method required under subsection (b), and sample any effluents which the owner or operator of such source is required to sample.

(e) In the event any industrial user denies the superintendent or his authorized representative the right of entry for inspection, sampling effluents, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing such other duties as shall be imposed upon the superintendent by this section, the superintendent shall seek a warrant or user such other legal procedures as advisable and reasonably necessary to discharge the duties of this section.

(f) Any industrial user failing or refusing to discharge any duty imposed upon the user under the provisions of this section, or who denies the superintendent or authorized representative the right to enter the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or such other duties as may be imposed upon him 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 section. A user who does not have an industrial waste discharge permit and denies the superintendent or authorized representative the right to inspect as described herein subject to having the sewer service in question terminated by the superintendent.

(2) Reports. (a) Baseline monitoring reports. Within one hundred eighty (180) days after either the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR, part 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the town a report which contains the information listed in the following subsections (i) through (iv) . At least ninety (90) days prior to commencement of their discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the town a report which contains the following information:

(i) All information required by § 18-208(3)(a), (b), (c)(i), and (e);

(ii) Information required by § 18-208(3)(f), based on a representative sample obtained immediately downstream from pretreatment facilities if such exist, or immediately downstream of the regulated process if no pretreatment exists. If other wastewaters arc mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and

concentrations necessary to apply the combined waste stream formula. Sampling shall be performed in accordance with § 18-209(4). The report shall indicate the time, date, place of sampling, and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW. When an alternate concentration or mass limit has been calculated, this limit along with supporting data shall be included.

(iii) Compliance certification. A statement that has been reviewed by an authorized representative of the industrial user and certified by a professional engineer 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 meet the pretreatment standards and requirements.

(iv) Compliance schedule. 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 this schedule shall be no later than the compliance date established for the applicable pretreatment standard.

(b) Compliance schedule progress reports. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the superintendent, including as a minimum, whether it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(c) Ninety (90) day compliance reports. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any categorical industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-208(3), subsections (d) and (f) and § 18-210(2)(a)(iii) and (iv).

(d) Periodic compliance reports. (i) All significant industrial users shall submit to the superintendent a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit according to the timetable established in the permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the

superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation necessary to determine the compliance status of the user.

(ii) The superintendent, as applicable, may impose mass 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 subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

(e) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production rates and mass limits where requested by the superintendent, 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 superintendent 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 measure of 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.

(f) The superintendent may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(i) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process water.

(ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must

submit a new request for the waiver before the waiver can be granted for a subsequent individual wastewater discharge permit.

(iii) In demonstrating that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(iv) The request for a monitoring waiver must be signed in accordance with § 18-209(10) and must include the certification statement in § 18-209(10).

(v) Nondetectable sample results may be used as a demonstration that a pollutant is not present only if the EPA-approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(vi) Any grant of the monitoring waiver by the superintendent must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the superintendent for three (3) years after expiration of the waiver.

(vii) Upon approval of the monitoring waiver and the revision of the user's permit by the superintendent, the industrial user must certify each report with the statement in § 18-209(17) that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.

(viii) In the event a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately notify the superintendent and comply with the monitoring requirements of § 18-209(2)(d), or other more frequent monitoring requirements imposed by the superintendent.

(ix) This provision does not supercede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(g) Reporting requirements for industrial users not subject to categorical pretreatment standards. Significant noncategorical industrial users must submit to the superintendent at least once every six (6) months (on dates specified by the superintendent) a description of the nature, concentration, and flow of pollutants required to be reported by the user's wastewater discharge permit. In cases where the permit requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by the superintendent to determine the compliance status of the user. These reports must be based

on sampling and analysis in the period covered by the report and in accordance with the techniques described in 40 CFR part 136.

(h) All monitoring and compliance reports must be signed and certified in accordance with § 18-209(10) of this chapter.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one (1) satisfactory to the superintendent by June 30, 1991.

All users who propose to discharge or who, in the judgment of the town, 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 users expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewaters. If sampling or metering equipment is also required by the town, 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 town 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 town personnel. There shall be ample room in or near such 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 superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans and other documents within forty-five (45) days and shall recommend to the industrial user 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.

(f) Wastewater monitoring and flow measurement facilities must be properly operated, kept clean, and maintained in good working

order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(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 EPA shall be followed in all self-monitoring activities.

(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 superintendent. Any change in monitoring location will be subject to the approval of the superintendent.

(d) All analyses shall be performed in accordance with procedures established by EPA under the provisions of section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA.

(e) Except as indicated in subsections (f) and (g) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in a laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the superintendent as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(f) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Alternately, pH compliance may be assessed through the use of a strip-chart or a circular chart over the monitoring period from a continuous pH recorder, at the discretion of the superintendent.

(g) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 18-209(2)(a) and (c) and 40 CFR 503.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For reports required by § 18-209(2)(d) and 40 CFR 403.12(e) and (h), the superintendent shall specify the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards.

(h) The superintendent shall inspect and sample the effluent from each significant industrial user at least once every twelve (12) months, except where the superintendent has authorized an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical standard, the superintendent must sample for the waived pollutant at least once during the term of the user's permit or control mechanism. In the event that the superintendent determines that a waived pollutant is present in the industrial user's discharge, or is expected to be present due to changes in the facility's operations, the superintendent must begin effluent monitoring of the user's discharge and inspections of the facility at least once every twelve (12) months.

(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 superintendent immediately by telephone. In the absence of the superintendent, notification shall be given to the town employee then in charge of the treatment works. Such notification will not relieve the permit holder from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

(b) Written report. Within five (5) days following such occurrence, the user shall provide the superintendent 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 person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section 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 employers 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 discharge reporting. The industrial user shall notify the POTW immediately by telephone of any slug discharge, as defined by § 18-207(5) by the industrial user. The notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective action taken by user. Each significant industrial user shall also immediately notify the superintendent of any changes at the facility affecting the potential for a slug discharge.

(7) Notification of the discharge of hazardous wastes. (a) The industrial user shall notify as soon as practicable the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge in to the POTW of a substance which is a listed or characteristic waste under section 3001 of RCRA (42 USCA § 6921). 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 wastes constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following twelve (12) months. The notification must take place within one hundred eighty (180) days after notification by the superintendent. 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 subsection during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in any calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of hazardous waste do not require additional notification, except for the acute hazardous wastes.

(c) In the case of new regulations under section 3001 of RCRA (42 USCA § 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW of the discharge of such substance within ninety (90) days of the effective date of such regulations, except for the exemption in subsection (b) of this section.

(d) In the case of any notification made under this section, the industrial 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 practicable 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.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

(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 industrial 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 (33 USCA § 1311), as amended, governing false statements, representation, or certifications in reports required under the Act.

(10) Signatory requirements for industrial user reports. The permit applications and monitoring and compliance reports required by this section shall include a certification statement as fo1lows:

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 permit applications, certifications, and monitoring and compliance 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 purposes of this subsection, a "responsible corporate officer" is:

(i) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function , or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production or operation facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility , including having the explicit or implicit duty of making major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and

accurate information for control mechanism requirements; and where 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 the reports required by this section is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representative of the individual designated in subsection (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b).

(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 superintendent, 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 subsection (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 subsection (c) of this section must be submitted to the superintendent 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 superintendent within twent-four (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 superintendent within thirty (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 town performs sampling at the industrial user at a frequency of at least once per month.

(b) The town performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(c) The town has performed the sampling and analysis in lieu of the industrial user. If the town has performed the sampling and analysis in lieu of the industrial user, the town must repeat the sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(12) Reporting of all monitoring. If an industrial user subject to the reporting requirements in § 18-210 of this chapter monitors any pollutant more frequently than required by the superintendent using approved procedures

prescribed in this section, 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 superintendent. If possible, this should be submitted at least ten (10) days before the date of the bypass.

(b) An industrial user shall submit oral notice to the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (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 superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (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 three (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 superintendent, 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 industrial user or upon request from the superintendent, the director, or the EPA. This requirement shall also apply to documentation associated with any BMPs established in connection with a pretreatment standard.

(16) Confidential information. Any records, reports, or information obtained under this section shall:

(a) In the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition; and

(b) Be available to the public to the extent provided by 40 CFR part 2.302.

If, however, upon showing satisfactorily to the superintendent by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the superintendent has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the superintendent shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this section. Such record, report, or information may be disclosed to officers, employee, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the CWA or when relevant in any proceeding under this section or other applicable laws.

(17) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 18-209(2)(f) must certify each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR ____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of ___ (list pollutant[s]) in the wastewaters due to the activities at the facility since filing of the last periodic report under § 18-209(2).

(Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-210. Enforcement. (1) Complaints and orders. (a) Should the local administrative officer have reason to believe that a violation of any provision of the ordinance or orders of the board issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may order that a written complaint be served upon the alleged violator(s).

(b) The complaint shall specify the provision(s) of the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, and may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the mayor and board of aldermen.

(c) Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the board as provided in § 18-204, no later than thirty (30) days after the date such order is served; provided, however , that the board may review such final order on the same grounds upon which a court of the state may review default judgments.

(2) Additional remedies. In addition to other remedies provided herein, the local administrative officer may issue a show-cause notice to any user who

appears to be violating any provision of this section to show cause why sewer service should not be discontinued. The notice shall include the nature of the violation with sufficient specificity as to the character of the violation and the date(s) which such violation(s) occurred to enable the user to prepare a defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty (20) days prior to the proposed action, except in the event of an emergency. At the show-cause hearing, the user may present any defense to such charges, either in person or through submission of written or documentary proof. Following the hearing or opportunity for a hearing, the local administrative officer may at the discretion of the local administrative officer order termination of sewer service if satisfied from all available proof that the violation was willful and the termination is necessary to abate the offending condition or to prevent future violations. The local administrative officer may terminate service for a period not to exceed one (1) year for a willful violation and may terminate service indefinitely to abate offending conditions or prevent future violations subject to the correction of such conditions or violations by the user.

Any violation of provisions of this ordinance that is not corrected or abated following a notice and opportunity for a hearing shall be grounds for termination of water service and/or plugging of the sewer line. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

(3) Emergency termination of service. (a) When the superintendent 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 of the pretreatment agency, the superintendent may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the superintendent deems necessary to meet the emergency.

(b) If the violator fails to respond or is unable to respond to the superintendent's order, the superintendent may take such emergency action as deemed necessary or contract with a qualified person(s) to carry out the emergency measures. The superintendent may assess the person(s) responsible for the emergency condition for actual costs incurred by the superintendent in meeting the emergency.

(c) In the event such emergency action adversely affects the user, the superintendent shall provide the user an opportunity for a hearing as soon as practicable thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the superintendent may take any such authorized action should the proof warrant such action.

(4) Hearings. (a) Any hearing or re-hearing brought before the board shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this section, the superintendent shall give the petitioner thirty (30) days written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition unless the superintendent and the petitioner agree to a postponement.

(ii) The hearing provided may be conducted by a board 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 subsection (6) of this section. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the superintendent to cover the costs of preparation.

(iv) In connection with the hearing, the chairman 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 case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Meigs County shall have jurisdiction upon the application of the board or the superintendent 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) Any member of the board may administer oaths and examine witnesses.

(vi) 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 thirty (30) days following the close of the hearing by the person or persons designated by the chairman.

(vii) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed pursuant to §§ 18-210(4) or 18-210(5) 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 hearing be held later than three (3) days from the receipt of such petition by the board.

(ix) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such manners as would require a ruling by the court under said rules.

(x) The party at the hearing bearing the affirmative burden of proof shall first call witnesses, which shall be followed by witnesses called by other party. Rebuttal witnesses shall be called in the same order. The chairman 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 superintendent, 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.

(xi) Any person aggrieved by any order or determination of the superintendent 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 superintendent and the chairman, and said notice shall set forth with particularity the action or inaction of the superintendent complained of and the relief being sought by the person filing said appeal. A special meeting of the board may be called by the chairman upon the filing of such appeal, and the board may, at members' discretion, suspend the operation of the order or determination of the superintendent on which is based the appeal until such time as the board has acted upon the appeal.

(xii) The vice chairman or the chairman pro team shall possess all the authority delegated to the chairman by this section when acting in his absence or in his place.

(A) An appeal may be taken from any final order or other final determination of the superintendent 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 out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made.

(5) Civil penalty.

(a) (i) Any person, including, but not limited to, industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars ($10,000.00) 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 system.

(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 superintendent may issue an assessment against any person or industrial user responsible for the violation.

(B) Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the superintendent a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is not filed within thirty (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 superintendent's assessment, the superintendent may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.

(D) In assessing the civil penalty, the superintendent may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.

(2) Damages to the town, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorneys' fees incurred by the town as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages.

(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 by the violator to cease the violation.

(6) The technical and economic reasonableness of reducing or eliminating the discharge.

(7) The economic benefit gained by the violator.

(E) The superintendent may institute proceedings for assessment in the name of the Town of Decatur in the chancery court of the county in which all or part of the pollution or violation occurred.

(iii) The board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the superintendent 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 violation of Tennessee Code Annotated, § 69-3-115(a). Provided, however, the sum of penalties imposed by this section and by § 69-3-115(a) shall not exceed ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs.

(c) In addition to the civil penalties described above, certain violations may be subject to criminal penalties under Tennessee Code Annotated, § 69-3-115(b) and (c).

(6) Assessment for noncompliance with program permits or orders.

(a) The superintendent may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or industrial user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program. Tennessee Code Annotated, §§ 69-3-123, 69-3-125, or §§ 18-210(5) or 18-210(9) of this municipal code.

(b) If an appeal from such assessment is not made to the board by the polluter or violator within thirty (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 Tennessee Code Annotated, §§ 69-3-123 through 69-3-129 or § 18-210(5) through 18-210(9) of this municipal code, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the superintendent may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the future to appeal such assessment as a confession of judgment in the amount of the assessment.

(7) Judicial proceedings and relief. The superintendent may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, Tennessee Code Annotated, §§ 69-3-123 through 69-3-129, §§ 18-210(5) through 18-210(9) of this code or orders of the board. In such action, the superintendent may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(8) Administrative enforcement remedies. (a) Notification of violation. When the superintendent finds that any industrial user has violated or is violating this section, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (d) below.

(c) Show-cause hearing. The superintendent may order any industrial user which causes or contributes to a violation of this section or wastewater permit or 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 ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds that an industrial user has violated or continues to violate this section or a permit or order issued thereunder, he may issue an order to the industrial 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 superintendent finds that an industrial user has violated or continues to violate this ordinance or any permit or order issued hereunder, the superintendent 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 appropriate remedial or preventative action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(9) Assessment of damages to users. When the discharge of waste or any other act or omission causes an obstruction, damage, or any other impairment to the town's facilities which causes an expense or damages of whatever character or nature to the town, the superintendent shall assess the expenses and damages incurred by the town to clear the obstruction, repair damage to the facility, and otherwise rectify any impairment, and bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the town. If the person responsible refuses to pay, then the superintendent shall forward a copy of the statement and documentation of all expenses to the town's attorney who shall be authorized to take appropriate legal action.

(10) Disposition of damage payments and penalties. All damages and/or penalties assessed and collected under the provisions of §§ 18-210(5) through 18-210(9) 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.

(11) Enforcement response plan. The town will develop and implement an enforcement response plan to assist in carrying out the provisions of this chapter. This plan will contain procedures indicating how the town will investigate and respond to instances of industrial user noncompliance. In general, the plan will:

(a) Describe how the town will investigate instances of noncompliance;

(b) Describe the types of escalating enforcement responses the town will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(c) Identify (by title) the official(s) responsible for each type of response;

(d) Reflect the town's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in this chapter.

(12) Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the town may take other action against any user when the circumstances warrant. Further, the town is empowered to take more than one (1) enforcement action against any noncompliant user. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-211. Wastewater volume determination. (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the town's sewer system 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) Actual wastewater volume. When charges and fees are based upon water usage and/or discharge and where, in the opinion of the town, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal 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 community 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 town.

(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 town. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the town shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and industrial flows from industrial users for purposes of calculating charges based upon industrial wastewater flows alone, users shall install a meter of a type and at a location approved by the town. For users where, in the opinion of the town, it is unnecessary or impractical to install such a meter, the volume of the domestic and industrial wastewater shall be based upon an estimate prepared by the users and approved by the town. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

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 Clean Water Act. 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 town'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.[1] 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) User charges.
(d) Fees for monitoring.
(e) Fees for permit applications.
(f) Charges and fees based on wastewater constituents and characteristics.
(g) Fees for discharge of holding tank wastes.
(h) Inspection fees.
(i) Permitted user maintenance fees.

(3) Basis for 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:

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[1]Charges and fees are of record in the office of the recorder.

BOD_5	-	300 mg/l
Suspended solids	-	300 mg/l
Ammonia-Nitrogen	-	30 mg/l
Oil and Grease	-	80 mg/l
Volume	-	300 gpd per domestic premise

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 volume.

(4) User charges. Each user of the town's sewer system will be levied a charge for payment of bonded indebtedness of the town and for the user's proportionate share of the operation, maintenance, and replacement costs of the sewer system. A surcharge will be levied against those users with wastewater that exceeds the strength of normal wastewater.

The user charge will be computed from a base charge plus a 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 the 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:

$$Cu = \frac{Ct}{Vt}(Vu)$$

Where:

Cu	=	User's charge or OM&R per unit of time.
Ct	=	Total OM&R cost per unit of time, less cost recovered from surcharges.
Vt	=	Total volume contribution from all users per unit of time.
Vu	=	Volume contribution from a user per unit of 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 BOD_5, SS, and/or other elements in normal wastewater as defined by § 18-212(3). The amount of the surcharge will be determined by the following formula:

$$Cs = (Bc \times B + Sc \times S + Pc \times P)\ 8.34\ Vu$$

Where:

Cs = Surcharge for wastewaters exceeding the strength of normal wastewater expressed in dollars per billing period.

Bc = 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.

Sc = OM&R cost for treatment of a unit of SS expressed in dollars per pound.

S = Concentration of SS from a user above the base level of 300 mg/l. expressed in mg/l.

Pc = OM&R cost 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 surcharges will be established by the town.

Vu = Volume contribution of a user per billing period in million gallons based on a twenty-four (24) hour average for billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the town is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken when necessary, but in no case less frequently than annually.

(d) Pretreatment program charges. Permitted industrial users may be required to pay a separate pretreatment program charge to help defray the expense of implementing and administering the pretreatment program. The pretreatment program charge may reflect costs incurred by the town in connection with any of the following:

(i) Industrial user monitoring undertaken by the town for verification of compliance.

(ii) Review of permit applications and issuance of wastewater discharge permits.

(iii) Periodic review and updating of local limits.

(iv) Preparation of semiannual pretreatment program reports.

(v) Monitoring at the POTW in connection with semiannual pretreatment program reports.

(vi) Annual or semiannual inspections of industrial user's wastewater facilities.

(vii) State pretreatment program annual fees.

The pretreatment program charge may be assessed on an annual or semiannual basis to permitted industrial users.

(5) Review of OM&R charges. The town 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 town 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 operation and maintenance for the next year and adjust the rate 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 section 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 town to collect wastewater charges from customers who utilize private or public water supplies from other utilities and who discharge wastewater to the town.

(9) Collection. Wastewater charges and fees imposed by this section shall be collected by the town in a manner established by the mayor and board of aldermen.

(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 federal law.

(11) Adjustments. The town shall make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of town meters, leaks, or other recognized adjustments. (Ord. #79, __ 1990, as replaced by Ord. #181, Dec. 2011)

18-213. Administration of sewer system. (1) Mayor and board of aldermen. In addition to any other duly or responsibility otherwise conferred upon the board by this chapter, the board shall have the duty and power as follows:

(a) To recommend from time to time that it amend or modify the provisions of this chapter.

(b) To grant exceptions pursuant to the provisions of § 18-207(8) hereof, 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 superintendent as may be provided under any provision of this chapter.

(d) To hold hearings relating to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating thereto.

(e) To hold other hearings that may be required in the administration of this chapter and to make determinations and issue orders necessary to effectuate the purposes of this section.

(f) To request assistance from any officer, agent or employee of the town and to obtain any necessary information or other assistance for the board.

(g) The board, acting through its chairman, 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 chairman, vice chairman, or chairman pro tem shall be authorized to administer oaths to people giving testimony before the board.

(i) The board shall hold annual meetings and special meetings as the board deems necessary.

(2) Superintendent. (a) Superintendent and staff. The superintendent and his or her staff shall be responsible for the administration of all sections of this chapter. Administratively, the superintendent shall be appointed by and shall report to the mayor and board of aldermen.

(b) Authority of superintendent. The superintendent shall ave the authority to enforce all sections of this chapter. The superintendent shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances. The superintendent shall be responsible for preparation of operating budgets subject to the normal budgetary processes of the town.

(c) Records. The superintendent shall keep in this 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) Superintendent to assist board. The superintendent shall attend all meetings of the town, or when it is necessary for the superintendent to be absent, a designated representative shall be sent to make reports to and assist the board in the administration of this section.

(e) Notice of national pretreatment standard. The superintendent shall notify industrial 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 (42 U.S.C. 6921), 3304 (42 U.S.C. 6924), or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the superintendent to notify industrial users shall not relieve the users from the responsibility of complying with these requirements.

(f) Public participation notice. The superintendent shall comply with the participation requirements of 40 CFR, part 25, in the enforcement of national pretreatment standards. The superintendent shall at least annually provide meaningful public notification in a newspaper of general circulation within the jurisdictions served by the POTW of all significant industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the numeric pretreatment standard or requirement (including instantaneous limits) for the same pollutant parameter.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits) times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for toxic pollutants, except pH).

(iii) Any other violation of a pretreatment effluent limit (instantaneous, daily maximum or longer-term average, or narrative standard) that the superintendent believes has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of 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 ninety (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, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within forty-five (45) days of the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include violation of a BMP, which the superintendent determines may adversely affect the operation or implementation of the local pretreatment program.

(g) Regulations and standards authorized. The superintendent may promulgate rules, regulations, and design criteria not inconsistent with this chapter 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 superintendent. Such rules and regulations shall be ratified and adopted by the mayor and board of directors.

(h) Sewer credits. The superintendent shall approve secondary meters and determine other kinds of sewer user charge credits.

(i) Approves new construction. The superintendent shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-214. Validity. (1) Conflict. All ordinances and parts of ordinances inconsistent with any part of this ordinance are hereby appealed to the extent of such inconsistency or conflict.

(2) Savings clause. If any provision, section, subsection or word of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, sections, subsections and words shall not be affected and shall continue in full force and effect. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.[1]

SECTION

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the Town of Decatur for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.

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

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement 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 supply.

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[1]Municipal code references
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

(6) "Person." 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. (1970 Code, § 8-301)

18-302. Water department to comply with law, establish program. The Decatur Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1970 Code, § 8-302)

18-303. Cross-connections, etc., unlawful except under certain circumstances. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection 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 Public Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of the Town of Decatur. (1970 Code, § 8-303)

18-304. Certain persons to file statements of non-existence of cross connections, etc. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks a statement of the non-existence of unapproved or unauthorized auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1970 Code, § 8-304)

18-305. Inspections. It shall be the duty of the Decatur Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent of the waterworks of the Decatur Public Water Supply and as approved by the Tennessee Department of Public Health. (1970 Code, § 8-305)

18-306. Right of entry -- obtaining information. The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Decatur

Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1970 Code, § 8-306)

18-307. Reasonable time to remove existing cross connections, etc. -- effect of failure to remove. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the waterworks of the Decatur Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Decatur Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard is corrected immediately. (1970 Code, § 8-307)

18-308. Protective devices -- when required, installation, testing. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.

(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected. The superintendent of the waterworks of the Decatur Public Water Supply or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the waterworks prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Decatur Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the waterworks or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the waterworks shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the waterworks of the Decatur Public Water Supply.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for 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 Decatur Public Water Supply.

(5) All new Town of Decatur water customers shall have double check valves installed prior to water service cut-on.

(6) All current water service customers whose system poses a cross connection problem shall have double check valves or reduced pressure back flow preventers installed immediately upon advice of the director of public works. (1970 Code, § 8-308, as amended by Ord. #60, May 1987)

18-309. Protection from contamination -- warning signs. The potable water supply made available to premises served by the public water supply be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1970 Code, § 8-309)

18-310. Conditions of chapter to be met for water service; conditions apply inside and outside town. The requirements contained herein shall apply to all premises served by the Decatur Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe healthwise or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Decatur corporate limits. (1970 Code, § 8-310)

18-311. Penalties. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with the general penalty clause of this code. (1970 Code, § 8-311)

CHAPTER 4

FLUORIDATION

SECTION

18-401. Authorization for fluoridation. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of Decatur, Tennessee, and to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply. (1970 Code, § 8-401)

18-402. Cost of fluoridation. That the cost of such fluoridation will be borne by the revenues of the water department. (1970 Code, § 8-402)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]

ORDINANCE NO. 143

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF DECATUR TENNESSEE.

WHEREAS some of the ordinances of the Town of Decatur 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 Decatur, 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 "Decatur Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF DECATUR, TENNESSEE:

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 "Decatur 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]

Each day any violation of the municipal code continues shall constitute a separate civil offense.

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[1]State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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, JUNE 14, 20 05.

Passed 2nd reading, JULY 12, 20 05.

Dean Henry

Mayor DEAN HENRY

Carrie H. Davis

Recorder CARRIE H.DAVIS