

THE
DOVER
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

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Change 7, August 3, 2020

TOWN OF DOVER, TENNESSEE

MAYOR

Lesa Fitzhugh

VICE MAYOR

Jane Burkhart

ALDERMEN

Robert Beechum
Marlon Gillespie
Michael Pulley

CITY ADMINISTRATOR

Charles Parks, Sr.

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the town agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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 Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

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

1. Ordinances procedure--An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)

2. Publication of ordinances--Codification--Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TOWN ADMINISTRATOR.
5. ACCESS TO PUBLIC RECORDS.
6. CODE OF ETHICS.

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation for aldermen.
- 1-105. Compensation for mayor.
- 1-106. No compensation for participation in committee meetings.
- 1-107. Attendance.
- 1-108. Election date.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:00 P.M. on the second Monday of each month at the town hall. Temporary changes in the date, time or place may be made by the board of mayor and aldermen, as they deem necessary. All changes in date, time or place shall be subject to proper public notification. (Ord. # 180-88, Dec. 1988, as amended by Ord. #298-04, April 2004)

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

¹Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapters 1 through 3. For specific charter provisions on the following subjects related to the board of mayor and aldermen, see the sections indicated.

City Administrator: 6-4-101.

Compensation: 6-3-109.

Duties of Mayor: 6-3-106.

Election of the board: 6-3-101.

Oath: 6-3-105.

Ordinance procedure

Publication: 6-2-101.

Readings: 6-2-102.

Residence requirements: 6-3-103.

Vacancies in office: 6-3-107.

Vice-Mayor: 6-3-107.

- (1) Call to order by the mayor.
 - (2) Roll call by the recorder.
 - (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
 - (4) Grievances from citizens.
 - (5) Communications from the mayor.
 - (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
 - (7) Old business.
 - (8) New business.
 - (9) Adjournment.
- (1985 Code § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1985 Code, § 1-103)

1-104. Compensation for aldermen. (1) The rate of compensation for each alderman is hereby established as the rate set forth in the ordinance adopting the annual budget.

(2) The rate of compensation for each alderman for a special called meeting of the board of mayor and aldermen is hereby established as the rate set forth in the ordinance adopting the annual budget. (Ord. # 192-89, Feb. 1990, as amended by Ord. #360-10, Aug. 2010)

1-105. Compensation for mayor. (1) The rate of compensation for mayor is hereby established as the rate set forth in the ordinance adopting the annual budget.

(2) The rate of compensation for mayor for a special called meeting of the board of mayor and aldermen is hereby established as the rate set forth in the ordinance adopting the annual budget. (Ord. # 192-89, Feb. 1990, as amended by Ord. #360-10, Aug. 2010)

1-106. No compensation for participation in committee meeting. No member of the board of mayor and aldermen shall receive any compensation for attendance or participation in any committee meeting that may be required. (Ord. # 192-89, Feb. 1990)

1-107. Attendance. Attendance shall be required at any meeting in order for any member of the board of mayor and aldermen to receive compensation for said meeting. (Ord. # 192-89, Feb. 1990)

1-108. Election date. (1) The election date for the Town of Dover is hereby changed to first Tuesday after the first Monday in November in even numbered years.

(2) The Ward I and II Council Election scheduled for March 3, 2020 will be moved to November 3, 2020 and the Mayor and Council Ward I and II scheduled for March 1, 2022 will be moved to November 8, 2022.

(3) The term of office of each elected official of the town shall be extended from the second Monday in November immediately following the election, to the second Monday in December immediately following the election.

(4) All persons elected to office for the Town of Dover, Tennessee shall assume their duties and receive oath of office on the date of the regular December meeting of the board of mayor and alderman following the election. (as added by Ord. #296-03, Dec. 2003, and amended by Ord. #368-11, Aug. 2011, and replaced by Ord. #430-19, May 2019)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. To be bonded.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1985 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1985 Code, § 1-202)

1-203. To be bonded. The mayor shall be bonded in such sum and with such surety as may be acceptable to the board of mayor and aldermen before assuming the duties of his office. (1985 Code, § 1-203)

¹Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapters 1 through 3. For specific charter provisions on the following subjects related to the mayor, see the section indicated:

Duties of Mayor: 6-3-106.

Vacancies in office: 6-3-107.

Vice-Mayor: 6-3-107.

CHAPTER 3

RECORDER¹

SECTION

1-301. Election.

1-302. To be bonded.

1-303. To keep minutes, etc.

1-304. To perform general administrative duties, etc.

1-301. Election. There shall be a town recorder elected by the board of mayor and aldermen, who shall serve for a term of two (2) years, and until his successor has been elected and qualified. (1985 Code, § 1-301)

1-302. To be bonded. The recorder shall be bonded in such sum as may be fixed by/and with such surety as may be acceptable to the board of mayor and aldermen before assuming the duties of his office. (1985 Code, § 1-302)

1-303. 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. (1985 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1985 Code, § 1-304)

¹Charter references

City recorder: 6-4-201 et seq.

Recorder as treasurer: 6-4-401(c).

Recorder as judge: 6-4-301(b)(1)(C).

CHAPTER 4

TOWN ADMINISTRATOR

SECTION

1-401. Office of town administrator.

1-402. Town administrator selected by board of mayor and aldermen.

1-403. Bonding of town administrator.

1-404. Town administrator's compensation.

1-405. Duties of town administrator.

1-401. Office of town administrator created. Notwithstanding any provision of this code or the Charter of the Town of Dover, there is hereby created the office and official position of town administrator of the Town of Dover, Tennessee. (Ord. # 193-90, May 1990)

1-402. Town administrator selected by board of mayor and aldermen. The town administrator shall be an adult capable of being bonded. The town administrator shall be under the control and direction of the board and shall report to and be responsible to the board. (Ord # 193-90, May 1990, as amended by Ord. #337-08, March 2008)

1-403. Bonding of town administrator. The town administrator may be bonded in such sum as may be fixed by and with such surety as may be acceptable to the board of mayor and aldermen. (Ord. # 193-90, May 1990)

1-404. Town administrator's compensation. The compensation for the town administrator shall be determined by using the Grade and Step system used for other employees. The beginning rate for the position of town administrator shall be that of Grade X Step 1, and be open to review as any other employee. The town administrator shall be entitled to any and all benefits available to other employees of the town. (Ord. # 193-90, May 1990)

1-405. Duties of town administrator. The office of the town administrator shall be subordinate to the board of mayor and aldermen and the town administrator shall report and be responsible to said board. The town administrator shall perform and discharge the following:

(1) The city administrator shall not be required to give his entire time to the affairs of the city, unless the board of mayor and aldermen, when employing the city administrator, make his employment conditional upon his devoting his entire time to the interest of the city.

(2) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the residents of the town.

(3) Keep the board advised as to the conditions and needs of the town.

(4) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed.

(5) Act as purchasing agent for the town and purchase all materials, supplies, equipment and services for the proper conduct of the town's business, provided that all purchases shall be made in accordance with practices and procedures as may be established by the board of mayor and aldermen.

(6) Supervise all administrative activities of each department of the town, excepting the police department which shall be responsible to the mayor for all administrative activities, including employment, promotion, discipline, suspension and discharge of employees and the police chief in accordance with the town's personnel policies and procedures.

(7) Recommend to the board programs or projects involving public works or public improvements which should be undertaken by the town and priority of the same.

(8) The town administrator shall approve the employment, dismissal, promotion or demotion of any employee of the town and to keep personnel files on all employees.

(9) Serve as chief financial officer and treasurer for the town and prepare and submit the annual budget for the town to the board.

(10) Perform such other duties as may from time to time be designated or required by the board. (Ord. # 193-90, May 1990, as amended by Ord. # 209-91, Oct. 1991, Ord. #262-99, July 1999, Ord. #395-14, Sept. 2014, Ord. #427-18, Sept. 2018, and Ord. #435-19, Nov. 2019)

CHAPTER 5

ACCESS TO PUBLIC RECORDS

SECTION

1-501. Procedures regarding access to an inspection of public records.

1-502. Postage and handling fees.

1-503. Labor charges.

1-504. Special records.

1-501. Procedures regarding access to an inspection of public records.

(1) Consistent with the Public Records Act of the State of Tennessee, personnel of the Town of Dover shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the Town of Dover shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the Town of Dover, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the town. If the requesting party refuses to complete a request form, a town employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the records custodian.

(4) When records are requested for inspection or copying, the records custodian has up to seven (7) business days to determine whether the town can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the records custodian shall:

(a) Produce the records requested;

(b) Deny the records in writing, giving explanation for denial;

or

(c) In the case of voluminous requests, provide, in writing, the requester with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges are as follows:

(a) Standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy--\$.15 per page for each produced.

(b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy--\$.15 per page for each produced.

(c) Accident reports--\$.15 per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the town.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester. Employee labor in excess of one (1) hour may be charged to the requester, in addition to the cost per copy, as provided in subsection (5). The town may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(a) For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(b) When the total number of requests made by a requester within a calendar month exceeds four (4), the requests will be aggregated, and the requester shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requester that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests. (as added by Ord. #273-01, March 2001, and replaced by Ord. #348-09, Feb. 2009, and Ord. #387-13, Jan. 2014)

1-502. Postage and handling fees. If the person requesting the records is unable to retrieve the records from the town hall, the requester will be responsible for paying all applicable shipping and handling fees. These fees, along with the per page cost of producing the records, must be paid in full before records can be turned over. (as added by Ord. #348-09, Feb. 2009)

1-503. Labor charges. (1) (a) "Labor" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

(b) "Labor threshold" is defined as the labor of the employee(s) reasonably necessary to produce requested material for the first hour incurred by the records custodian.

(2) The town recorder shall act as the town's records custodian and their hourly wage will be used to calculate any labor charges above the labor threshold. This wage will just be the approved hourly wage and will not include any benefit charges.

(3) Any applicable labor charges must be paid before records can be released to those requesting them. (as added by Ord. #348-09, Feb. 2009)

1-504. Special records. Some town business requires keeping records that are not electronically assessable or able to be produced on paper. Examples of this type of record include video tapes and digital recording devices. The cost of reproducing these records will be determined by the town recorder. (as added by Ord. #348-09, Feb. 2009)

CHAPTER 6

CODE OF ETHICS¹

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

¹State 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 (T.C.A.) 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 sections.

1-601. 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. #320-06, Sept. 2006)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(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. #320-06, Sept. 2006)

1-603. 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 himself¹ from voting on the measure. (as added by Ord. #320-06, Sept. 2006)

1-604. 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

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

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. #320-06, Sept. 2006)

1-605. 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. #320-06, Sept. 2006)

1-606. 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. #320-06, Sept. 2006)

1-607. 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. #320-06, Sept. 2006)

1-608. 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. #320-06, Sept. 2006)

1-609. 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. #320-06, Sept. 2006)

1-610. 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. #320-06, Sept. 2006)

1-611. 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. #320-06, Sept. 2006)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

(RESERVED FOR FUTURE USE)

TITLE 3

MUNICIPAL COURT

CHAPTER

1. TOWN COURT.
2. CITY JUDGE.

CHAPTER 1

TOWN COURT¹

SECTION

- 3-101. Town judge.
- 3-102. Maintenance of docket.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Appearance bonds authorized.
- 3-107. Imposition of fines, penalties, and costs.
- 3-108. Appeals.
- 3-109. Bond amounts, conditions, and forms.
- 3-110. Disposition and report of fines, penalties, and costs.
- 3-111. Disturbance of proceedings.

3-101. Town judge.² The recorder shall preside over the town court and shall be known as the town judge. In his absence or disability the mayor shall act as town judge. (1985 Code, § 1-501)

3-102. Maintenance of docket. The town 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; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1985 Code, § 1-502)

¹Charter reference

City Judge - City Court: 6-4-301.

²See Ordinance Number 228-94 (Sept. 1994) of record in the office of the recorder for "an ordinance to provide for the appointment of, and compensation for an alternate judge."

3-103. Issuance of arrest warrants.¹ The town judge shall have the power to issue warrants for the arrest of persons charged with violating town ordinances. (1985 Code, § 1-503)

3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1985 Code, § 1-504)

3-105. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1985 Code, § 1-505)

3-106. Appearance bond authorized. When the town judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the town judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1985 Code, § 1-507)

3-107. Imposition of fines, penalties, and costs. (1) All fines, penalties and costs shall be imposed by the town judge and recorded by the court clerk on the town court docket in open court. In all cases heard or determined by him, the town judge shall impose court cost the amount of seventy dollars (\$70.00). Ten dollars (\$10.00) of the court costs shall be designated for technology needs. One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

¹State law reference

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

(2) (a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (1985 Code, § 1-508, as amended by Ord. #267-99, Nov. 1999, Ord. #359-10, Aug. 2010, Ord. #398-14, Dec. 2014, and Ord. #433-19, Aug. 2019)

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1985 Code, § 1-509)

3-109. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. An appeal bond in any case shall be in such sum as the town 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. 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 with in the county. No other type bond shall be acceptable. (1985 Code, § 1-510)

3-110. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1985 Code, § 1-511)

3-111. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1985 Code, § 1-512)

¹State law reference

Tennessee Code Annotated, section 27-5-101.

CHAPTER 2

CITY JUDGE

SECTION

3-201. Board of mayor and alderman shall appoint the city judge.

3-202. Powers.

3-203. Qualifications.

3-204. Term of office.

3-205. Vacancies in office.

3-206. Oath of office.

3-207. Compensation.

3-208. Bond required.

3-209. Judge protem.

3-201. Board of mayor and alderman shall appoint the city judge. Pursuant to Tennessee Code Annotated, § 16-18-101 et seq., the Board of Mayor and Alderman of the Town of Dover, Tennessee, shall appoint the city judge in accordance with this chapter. (as added by Ord. #259-98, Dec. 1998)

3-202. Powers. The city judge shall be vested with the judicial power and functions of the mayor and recorder prescribed in the town's charter, and shall be subject to the provisions of the town's charter governing the Town of Dover court presided over by the recorder and mayor. (as added by Ord. #259-98, Dec. 1998)

3-203. Qualifications. The city judge shall be twenty-five (25) years of age, shall be licensed by the State of Tennessee to practice law and shall be a resident of the State of Tennessee. If the city judge for any reason removes his residence from the State of Tennessee, he shall automatically vacate the office of the city judge. (as added by Ord. #259-98, Dec. 1998, and amended by Ord. #289-03, March 2003)

3-204. Term of office. The city judge shall be appointed by, and serve at the pleasure of, the board of mayor and alderman. (as added by Ord. #259-98, Dec. 1998)

3-205. Vacancies in office. Vacancies in the office of the city judge shall be filled by the board of mayor and alderman. (as added by Ord. #259-98, Dec. 1998)

3-206. Oath of office. The city judge shall, before entering upon the duties of this office, take an oath or affirmation, before anyone in Tennessee authorized to issue oaths as follows:

I, _____, solemnly swear that I will support the Constitution of the United States and of the State of Tennessee, and the ordinances of the Town of Dover, Tennessee, and that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as a city judge to the best of my ability.

(as added by Ord. #259-98, Dec. 1998)

3-207. Compensation. The compensation of the city judge shall be fixed from time to time by the board of mayor and alderman. (as added by Ord. #259-98, Dec. 1998)

3-208. Bond required. Before assessing his duties, the city judge shall execute a bond with a surety company acceptable to the board of mayor and alderman in the amount of fifty thousand dollars (\$50,000.00), cautioned upon his or her faithful account of all funds coming into his or her hands as city judge. The bond shall be paid for by the town. (as added by Ord. #259-98, Dec. 1998)

3-209. Judge protem. During the absence or disability of the city judge lasting more than thirty (30) days, the board of mayor and alderman shall appoint a city judge protem to serve until the city judge returns to his duties. The judge protem shall have all qualifications of the city judge under this chapter, take the same oath of office, and shall have all the authority and power of the city judge. (as added by Ord. #259-98, Dec. 1998)

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

1. PERSONNEL SYSTEM.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REGULATIONS.
4. INFECTIOUS DISEASE CONTROL POLICY.

CHAPTER 1

PERSONNEL SYSTEM

SECTION

- 4-101. Purpose.
- 4-102. Coverage.
- 4-103. Administration of the personnel system.
- 4-104. Personnel rules and regulations.
- 4-105. Personnel records.
- 4-106. Right to contract for special services.
- 4-107. Discrimination.
- 4-108. Amendments.

4-101. Purpose. The purpose of this chapter is to establish a system of personnel administration in the Town of Dover that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel rules and regulations free from personal and political considerations and regardless of race, color, sex, age, creed, national origin or physically impaired condition. (Ord. #212-92, Oct. 1992)

4-102. Coverage. All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the town's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:

¹See Ordinance Number 231-95 (May 1995) of record in the office of the recorder for amendments to the Social Security Agreement by and between the Town of Dover, Tennessee, and the State Old Age and Survivors Insurance Agency.

- (1) All elected officials.
- (2) Members of appointed boards and commissions.
- (3) Consultants, advisers, and legal counsel rendering temporary professional service.
- (4) Town attorney.
- (5) Independent contractors.
- (6) Persons employed by the municipality for not more than six (6) months during a fiscal year.
- (7) Part-time employees paid by the hour of the day, and not considered regular.
- (8) Volunteer personnel appointed without compensation.
- (9) Town judge if other than the city administrator/city recorder.

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the town charter. (Ord. #212-92, Oct. 1992)

4-103. Administration of the personnel system. The personnel system shall be administered by the city administrator, who shall have the following duties and responsibilities:

- (1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the town charter, and federal and state laws relating to personnel administration.
- (2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the town charter and the municipal code.
- (3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the town charter and code, and subject to the approval of the board of mayor and alderman and budget limitations.
- (4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.
- (5) Maintain records of all employees subject to the provisions of this chapter of the town code which shall include each employee's class, title, pay rates, and other relevant data.
- (6) Make periodic reports to the board of mayor and aldermen regarding the administration of the personnel system.
- (7) Recommend to the board of mayor and aldermen a position classification plan, and install and maintain such a plan upon approval by the board.
- (8) Prepare and recommend to the board of mayor and alderman a pay plan for all municipal government employees.

(9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government.

(10) Be responsible for certification of payrolls.

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board of mayor and aldermen. (Ord. #212-92, Oct. 1992)

4-104. Personnel rules and regulations. The city administrator shall develop rules and regulations necessary for the effective administration of the personnel system. The board of mayor and aldermen shall adopt the rules presented to them by the city administrator. Amendments to the rules and regulations may be made at any time and shall be made in accordance with the procedure below. Nothing in the Personnel Rules and Regulations (Personnel Handbook) shall be deemed to give an employee any more property rights in their job than may be given by the town charter. (Ord. #212-92, Oct. 1992)

4-105. Personnel records. The city administrator shall maintain adequate records of the employment record of every employee as specified herein. All medical records shall be kept in a separate confidential file for each employee. (Ord. #212-92, Oct. 1992)

4-106. Right to contract for special services. The board of mayor and aldermen may direct the city administrator to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (Ord. #212-92, Oct. 1992)

4-107. Discrimination. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, religious belief, or disability. (Ord. #212-92, Oct. 1992)

4-108. Amendments. Amendments or revisions of these rule may be recommended for adoption by the city administrator. Such amendments or revisions of these rules shall become effective after approval by the board of mayor and aldermen. (Ord. #212-92, Oct. 1992)

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-201. Title.

4-202. Purpose.

4-203. Coverage.

4-204. Standards authorized.

4-205. Variances from standards authorized.

4-206. Administration.

4-207. Funding the program.

4-201. Title. This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the Town of Dover. (1985 Code, § 1-801, as replaced by Ord. #287-03, Feb. 2003, and Ord. #386-13, Sept. 2013)

4-202. Purpose. The Town of Dover 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. (1985 Code, § 1-802, as replaced by Ord. #287-03, Feb. 2003, and Ord. #386-13, Sept. 2013)

4-203. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Dover shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1985 Code, § 1-803, as replaced by Ord. #287-03, Feb. 2003, and Ord. #386-13, Sept. 2013)

4-204. Standards authorized. The Occupational Safety and Health standards adopted by the Town of Dover 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 (1985 Code, § 1-804, as replaced by Ord. #287-03, Feb. 2003, and Ord. #386-13, Sept. 2013)

4-205. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (as added by Ord. #287-03, Feb. 2003, and Ord. #386-13, Sept. 2013)

4-206. Administration. For the purposes of this chapter, public works director or other person as appointed by Dover Town Council is designated as the safety director of occupational safety and health to perform duties and to

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #287-03, Feb. 2003, and Ord. #386-13, Sept. 2013)

4-207. 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 Dover. (as added by Ord. #287-03, Feb. 2003, and Ord. #386-13, Sept. 2013)

CHAPTER 3

TRAVEL REGULATIONS¹

SECTION

4-301. Travel regulations established.

4-302. Travel regulations enumerated.

4-303. Exceptions.

4-301. Travel regulations established. Authorization for travel will not be reimbursed unless the travel is made and reimbursements claimed in accordance with this chapter and any approved exceptions thereto. (1985 Code, § 1-1001)

4-302. Travel regulations enumerated. (1) Travel may not be undertaken unless it is authorized in advance by proper authority. Claims for reimbursement for travel expenses shall be submitted no later than thirty (30) days after completion of the travel. Claims submitted after this period must provide written explanation for the delay.

(2) Approved travel is on the basis of reimbursement for the necessary business expenses incurred subject to the limitations set forth herein. Receipts are required for all items or fares.

(3) Travel must be by the most direct route possible, and any individual traveling by an indirect route must assume any extra expense incurred thereby.

(4) The limits on travel expenses set forth herein are maximum amounts above which reimbursements cannot be made. Employees, when traveling, shall be as conservative as circumstances permit.

(5) Expenses of books, supplies, postage and other items that do not constitute actual traveling expenses shall not be made a part of the travel claim.

(6) Officials and employees shall make use of town-owned vehicles whenever available. If the employee chooses not to utilize town vehicle when available then the employee shall be reimbursed at half the standard Internal Revenue Service mileage allowance. Town owned vehicles shall be used only on official business. If the town owned vehicle is not available, the employee will be reimbursed the standard Internal Revenue Service mileage allowance.

(7) When transportation is by town-owned vehicle, the necessary repair bills, tolls, parking, gasoline and storage expenses are allowable. In the use of personally-owned vehicles, the authorized mileage allowance includes all

¹This chapter reflects the contents of travel regulations adopted by the town on June 11, 1984.

operating expenses such as gas, oil and repairs, precluding any separate claim for such items.

(8) Excepting employees who have been authorized to use personal cars in the daily performance of their duties and/or to whom town-owned vehicles are not available, the use of personally-owned vehicles in travel shall be restricted to cases when town-owned vehicles are not available.

(9) If a personally-owned vehicle has been authorized in the daily performance of duties, employees shall be reimbursed at the standard Internal Revenue Service mileage allowance.

(10) Reimbursement for actual expenses for lodging will be on the following basis: The minimum charge for lodging charged by the host hotel of any meeting, school, conference or convention shall be the maximum amount allowed for lodging. However, in no instance will reimbursement be made for an amount greater than the actual expense of lodging. Baggage handling fees will be allowed up to \$2.00.

(11) The cost of meals while on official travel for the Town of Dover, Tennessee shall be reimbursed at the prevailing federal rate for the State of Tennessee and as published each year by MTAS. In some instances the reimbursement for meals may be for actual expense. This method requires the approval of the mayor or the mayor's designee and all receipts must be submitted with the claim for reimbursement.

(12) Expenditures for entertainment (employee or others), laundry, valet service, theatre, etc., are personal charges and will not be allowed.

(13) Charges for long distance telephone calls on official business will be allowed provided a statement is furnished indicating the date, name and location called.

(14) Charges for automobile rental shall not be allowed unless specific written authorization is secured in advance. Charges for insurance coverage for rental automobiles are not reimbursable costs.

(15) Necessary charges for parking will be allowed. Receipts must be furnished on all parking charges.

(16) Unnecessary meals and lodging expenses which are occasioned by the use of an automobile for reasons of the employee's personal convenience, or which are due to travel by an indirect route, will not be allowed.

(17) Registration fees for approved conferences, conventions, seminars, meetings, etc., will be allowed including cost of official banquets and/or luncheons provided advance approval is secured from the board of mayor and aldermen. However, no separate claim for the corresponding meal will be allowed when a banquet or luncheon is claimed.

(18) All signatures on a travel claim must be original. No stamped signatures will be permitted.

(19) For those employees who receive honorariums for appearing at meetings the following rules shall apply:

(a) The trip must have been approved by the board of mayor and aldermen.

(b) The employee may, at his option, accept the honorarium as full reimbursed according to applicable travel regulations in effect at the time of the trip.

(20) Reimbursement of actual expenses for meals and related cost shall be allowed when acting as host to guest of the town or other official business functions provided for the purpose and the event are shown on the claim for expense reimbursement. Receipts or other satisfactory evidence of payment must be attached to the claim.

Authority granted by paragraph (20) may be delegated by the mayor to members of the board or to employees provided such delegation of authority is in writing and accompanies any claim for reimbursement. The propriety of such expenses shall be left solely to the discretion of the mayor. All reimbursement claimed under this authority shall be clearly identified and a special report submitted with each reimbursement request showing the total expenditures of this nature which have been made in the fiscal year. A copy of this report shall be maintained by the recorder's office. (1985 Code, § 1-1002, as amended by Ord. #365-10, Dec. 2010, Ord. #376-12, Aug. 2012, and Ord. #404-15, Jan. 2016)

4-303. Exceptions. The mayor shall have the authority to grant exceptions from any part or all of these rules and regulations when he deems it appropriate or necessary. (1985 Code, § 1-1003)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statements.
- 4-406. General guidelines.
- 4-407. Hepatitis B Vaccinations.
- 4-408. Reporting potential exposure.
- 4-409. Hepatitis B virus post-exposure management.
- 4-410. Human immunodeficiency virus post-exposure management.
- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.
- 4-416. Legal rights of victims of communicable diseases.

4-401. Purpose. It is the responsibility of the Town of Dover 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 Dover, 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). (Ord. #214-92, July 1992)

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 infectious material 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 employees deemed to be at high risk per this policy and an exposure determination. (Ord. #214-92, July 1992)

4-403. Administration. This Infection Control policy shall be administered by the Infectious Disease Control Coordinator who shall be appointed by the board of mayor and aldermen and who shall have the following duties and responsibility:

- (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 the 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. (Ord. #214-92, July 1992)

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 detected as though such body fluid were HBV or HIV infected. (Ord. #214-92, July 1992)

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. (Ord. #214-92, July 1992)

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 city 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. Employee 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 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. (Ord. #214-92, July 1992)

4-407. Hepatitis B vaccinations. The Town of Dover shall offer the appropriate Hepatitis B Vaccination to employee at risk of exposure free of charge and in amounts 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. (Ord. #214-92, July 1992)

4-408. Reporting potential exposure. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (ie., 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. (Ord. #214-92, July 1992)

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. (Ord. #214-92, July 1992)

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 city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #214-92, July 1992)

4-411. Disability benefits. Entitlement to disability benefits and 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 T.C.A. 50-6-303. (Ord. #214-92, July 1992)

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 material. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #214-92, July 1992)

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 as per this policy. (Ord. #214-92, July 1992)

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. (Ord. #214-92, July 1992)

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the Infectious Disease Control Coordinator. Statistics shall be maintain 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 (ie. 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. (Ord. #214-92, July 1992)

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 town 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. (Ord. #214-92, July 1992)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. MUNICIPAL PURCHASING.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Official depository for town funds.
- 5-102. Approval of amendments to annual budget.
- 5-103. Fees and charges for utility customers paying with credit or debit cards.

5-101. Official depository for town funds. All town funds shall be deposited in a bank that carries deposit insurance guaranteed by the United States Government or with the Tennessee Local Government Investment Pool (Ord. # 179-88, Nov. 1988)

5-102. Approval of amendments to annual budget. (1) Prior to the approval of any amendment to the annual budget that would increase appropriations for the expenditure of town funds, the board of mayor and aldermen shall approve a resolution that identifies a corresponding source of funds to cover the proposed additional expenditure, and/or identifies a corresponding reduction in expenditure to compensate for the proposed additional expenditure.

(2) Nothing in this section shall be construed or interpreted as an expansion or limitation of any power or authority granted to the municipality by the State of Tennessee. (Ord. # 168-87, Aug. 1987)

5-103. Fees and charges for utility customers paying with credit or debit cards. (1) The Town of Dover is hereby establishing a processing fee of three and one half percent (3 1/2%) from customers using credit or debit cards as the method of payment for monthly and other utility charges and five percent (5%) for online payments.

¹Charter references

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, section 6-4-402.

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

(3) Any notice to the customer owing the utility charge shall state the percentage of the processing fee for use of a credit or debit card.

(4) Filing of a pre-implementation statement with the comptroller's office, as required by Tennessee Code Annotated, § 47-10-119, shall be required thirty (30) days prior to implementing the above processing fees. The town shall provide to the comptroller of the treasury a post-implementation review of the system between twelve (12) and eighteen (18) months after the date a pre-implementation statement has been filed with the comptroller. (as added by Ord. #394-14, Sept. 2014, and amended by Ord. #403-15, Dec. 2015)

CHAPTER 2

MUNICIPAL PURCHASING¹

SECTION

5-201. Office of purchasing agent created.

5-202. Purchasing procedures and standards.

5-203. Competitive bidding.

5-201. Office of purchasing agent created. Pursuant to Tennessee Code Annotated, section 6-56-301, et seq., the office of purchasing agent is hereby created and the town recorder shall faithfully discharge the duties of said office or appoint an individual to make purchases for the town. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the board of mayor and aldermen. (1985 Code, § 1-901)

5-202. Purchasing procedures and standards. The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the board of mayor and aldermen and filed with the town recorder. (1985 Code, § 1-902)

5-203. Competitive bidding. Pursuant to Tennessee Code Annotated, § 12-3-1212 the dollar amount required for public advertisement and competitive bidding is hereby increased to maximum amount of twenty five thousand dollars (\$25,000.00) for nonemergency, nonproprietary purchases. At least three (3) written quotations shall be required whenever possible for purchases costing less than the bid threshold established for public advertisement and sealed competitive bids or proposals. (as added by Ord. #268-99, Nov. 1999, and replaced by Ord. #421-18, March 2018)

¹Municipal code reference

Restrictions on expenditures by the town: title 6, chapter 4.

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST¹

SECTION

- 6-101. Police chief to be bonded.
- 6-102. Policemen subject to chief's orders.
- 6-103. Policemen to preserve law and order, etc.
- 6-104. Policemen to wear uniforms and be armed.
- 6-105. When policemen to make arrests.
- 6-106. Policemen may require assistance in making arrests.
- 6-107. Police department records.
- 6-108. Undercover police officers; procedures for disclosure of personal information.

6-101. Police chief to be bonded. The police chief shall be bonded in such sum and with such surety as may be acceptable to the board of mayor and aldermen before assuming the duties of his office. (1985 Code, § 1-401)

6-102. 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. (1985 Code, § 1-402)

6-103. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the Town of Dover. They shall patrol the town and shall assist the town court during the trial of cases. Policemen shall also promptly serve any legal process issued by the town court. (1985 Code, § 1-403)

6-104. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on

¹Municipal code reference

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

duty unless otherwise expressly directed by the chief for a special assignment. (1985 Code, § 1-404)

6-105. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policemen in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1985 Code, § 1-405)

6-106. Policemen may require assistance in making arrests. It shall be unlawful for any person to willfully refuse to aid a policemen in making a lawful arrest when such person's assistance is requested by the policemen and is reasonably necessary to effect the arrest. (1985 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funeral convoyed, fire calls answered, and other miscellaneous activities of the police department. (1985 Code, § 1-408)

6-108. Undercover police officers; procedures for disclosure of personal information. (1) As a matter of policy the Town of Dover, Tennessee will not disclose personally identifying information about specific undercover police officers if the police officer invokes his/her right to privacy, personal security and bodily integrity. If the undercover police officer does not invoke his/her right to privacy, personal security and bodily integrity, the information will be released to the requestor.

(2) Personally identifying information includes addresses, phone numbers, drivers' licenses, and social security numbers. It also includes, but is not limited to the names, addresses, phone numbers, drivers licenses, and social security numbers of family members, if such information is in the city's personnel files.

¹Municipal code reference

Traffic citations: title 15, chapter 7.

(3) Procedures for requesting information on individual undercover police officers.

(a) All requests to review a file or information from a file must be handled by the city administrator. In his/her absence, requests will be referred to the police chief.

(b) The person(s) requesting the information must complete a form specifying what information is being requested and the reason for the request. The request shall be as specific as possible.

(c) The city administrator will offer the requestor a work history on the police officer and may also provide copies of individual items from the file with the personally identifying information deleted or blacked out.

(d) Requests for unedited copies of an undercover police officer's file or any personally identifying information will result in notification to the police officer whose information has been requested. The city administrator will notify the police officer within forty eight (48) hours that the request has been made to disclose personally identifying information. The undercover police officer will then have twenty four (24) hours to object to the information being disclosed.

(e) The undercover police officer makes no objection to full disclosure, the city administrator will allow the unedited file or personally identifying information to be disclosed.

(f) If the undercover police officer objects, the information will not be disclosed. If the requestor objects, he will be referred to the city attorney for appropriate resolution.

(g) The city administrator or police chief are the only officials authorized to verify employment upon request. These officials may not release or verify an undercover police officer's social security number, driver's license, or other personally identifying information, unless compelled to do so by a final order of a court of competent jurisdiction.

(h) Any requests for this information must be made in writing; and all request(s) for an undercover police officer's personally identifying information must be handled by the city administrator or the police chief of the city. (as added by Ord. #295-03, Dec. 2003)

CHAPTER 2

WORKHOUSE

SECTION

6-201. County jail to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County jail to be used. The county jail is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1985 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1985 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of fines and costs assessed against him.¹ (1985 Code, § 1-603)

¹State law reference

Tennessee Code Annotated, section 40-24-104.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT²

SECTION

7-101. Fire district designated.

7-101. Fire district designated. The corporate fire district shall include the area adjacent to and extending two (2) blocks in all directions from the intersection of Spring Street and Donelson Parkway. (Ord. # 163-86, Jan. 1987)

¹Municipal code reference

Building, utility and housing codes: title 12.

²The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the Town of Dover through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits hazardous (Group H) occupancies within the fire district. Chapter IV, Section 408 of the Standard Building Code defines hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Procedures for key lock box installation on exterior of structures.
- 7-205. Gasoline trucks.
- 7-206. Variances and appeals.
- 7-207. Violations.
- 7-208. Modifications.
- 7-209. Fire hydrant standards.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code,² 2012 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Said international fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1985 Code, § 7-201, as amended by Ord. #260-98, Dec. 1998, and Ord. #272-01, Feb. 2001, replaced by Ord. #369-11, Aug. 2011, and amended by Ord. #396-14, Oct. 2014)

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the fire official or the chief of the fire department. These persons shall have the same powers as the state fire marshal. (1985 Code, § 7-202, as amended by Ord. #230-95, § 1, April 1995, and Ord. #369-11, Aug. 2011)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the Town of Dover, Tennessee. (1985 Code, § 7-203, as amended by Ord. #369-11, Aug. 2011)

¹Municipal code reference

Building, plumbing, electrical and housing codes: title 12.

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

7-204. Procedures for key lock box installation on exterior of structures.

(1) Intent. The Town of Dover Fire Department recognizes the importance and need of providing rapid entry into locked buildings. Delays in the fire department gaining rapid entry reduces the occupants' chance of survival in a fire, the chances for substantial property damage increases because of the delays in gaining entry to the structure and fire fighter safety and survival may be compromised because of said delays. Additionally, delays in providing prompt pre-hospital care to the sick and injured as a result of locked/secured structures may/will have a negative outcome on patient recovery. To assist in gaining entry into locked/secured facilities/structures, the Town of Dover Fire Department hereby references for compliance section 506.1 of the International Fire Code, 2006 edition.

(2) Key lock box system. (a) New and existing structures that are classified as any of the following shall be equipped with a key lock box at or near the main entrance or such other location required by the Municipal Fire Department for the Town of Dover.

(i) Commercial or industrial structures protected by and automatic alarm system or automatic suppression system.

(ii) Multi-family residential structures comprised of four (4) or more units in which access to the building or common areas or mechanical or electrical rooms within the building is denied through locked doors.

(iii) Commercial structures comprised of four (4) or more units.

(iv) Any building or facility containing a quantity of hazardous materials, which would require compliance with applicable codes.

(v) Governmental structures.

(vi) Nursing care facilities.

(vii) Educational facilities.

(b) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of a certificate of occupancy. Individual keys provided by the owners will no longer be accepted and any such keys in the Town of Dover Fire Department's possession shall be returned.

(c) The fire department shall designate the type of key lock box system to be implemented within the town and shall have the authority to require all structures to use the designated system.

(d) The owner or operator of a structure required to have a key lock box shall at all times, keep keys in the lock box that will allow for access to the following:

(i) Keys to locked points of egress, whether on the interior or exterior of such building.

(ii) Keys to locked mechanical equipment rooms.

(iii) Keys to locked electrical rooms.

(iv) Key to elevator controls.

(v) Keys to the other areas as directed by the Town of Dover Fire Department.

(c) The fire chief shall be authorized to implement rules and regulations for the use of the lock box system.

(3) Installation and location. All (Knox Boxes) and/or Knox Locking Vaults, for new construction shall be recess mounted into the building/structure at a height of not less than six feet (6') above the ground (surface grade) nor more than eight feet (8') above the ground. The "face plate" of the "Knox" box shall be flush with the exterior facade of the structure/building. All "Knox" boxes and/or Knox Locking Vaults shall be located next to the main entrance, or as close as reasonably possible to the side of the structure/building.

All "Knox Boxes" and Knox Box Vaults for existing structures shall be mounted on the building/structure at a height of not less than six feet (6') above the ground (surface grade) nor more than eight feet (8') above the ground. All "Knox" boxes and/or Knox Locking Vaults shall be located next to the main entrance, or as close as reasonably possible to the address side of the structure/building. (1985 Code, § 7-204, as replaced by Ord. #369-11, Aug. 2011)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline. (1985 Code, § 7-205)

7-206. Variances and appeals. The board of appeals and adjustments established pursuant to the fire code shall decide all requests for variances from, and appeals of, the application of said code in accordance with the rules and procedures set forth in the fire code. (1985 Code, § 7-206, as amended by Ord. #369-11, Aug. 2011)

7-207. Violations. It shall be a civil offense for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (1985 Code, § 7-207, as replaced by Ord. #369-11, Aug. 2011)

7-208. Modifications. Within the fire code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the fire code shall be deemed to be the responsible official insofar as enforcing the provisions of the fire code are concerned. (as added by Ord. #260-98, Dec. 1998, and amended by Ord. #272-01, Feb. 2001, and Ord. #369-11, Aug. 2011)

7-209. Fire hydrant standards. (1) NFPA 291 (most current edition) Fire Flow Testing and Marking of hydrants, is hereby adopted by reference and incorporated into this code as if it were set out at length herein and shall be controlling within the corporate limits.

(2) All future water mains and fire hydrants shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six (6) inches in diameter. However, larger water mains shall be installed when necessary to insure that a minimum of five hundred (500) gallons per minute (gpm) at twenty (20) pounds per square inch (psi) residual pressure is available at all fire hydrants. Additional gallons per minute above the minimum five hundred (500) gpm shall be available is the needed fire flow to structures in the area demands such additional flows. The fire hydrants shall be installed in such a manner that there shall be a fire hydrant within five hundred (500) feet of the front entrance of every structure of more than three hundred (300) square feet. The distance to the fire hydrant shall be measured along the route that would be accessible to the fire department to lay fire hose from the hydrant to the building.

(3) Fire hydrants that currently exist on mains that will not flow at least five hundred (500) gallons per minute at twenty (20) pounds per square inch of pressure will not be used by the fire department for connection to the pumper connection of the fire apparatus. Such fire hydrants shall be painted solid red in color to indicate to firefighters that this hydrant will not flow adequate gallons per minute to be used in fire fighting operations. All such fire hydrants shall be identified by the water department, color coded, and a list of such fire hydrants shall be compiled and attached to a cover letter from the manager of the water department to the fire chief. The cover letter shall contain at least the following words, "The attached list of fire hydrants have been found to have inadequate fire flows and will not be used by the fire department for pumping operations except in the event of immediate and imminent threat of life or safety." Such letter shall be generated annually with a copy to the mayor.

(4) Each subsection, paragraph, sentence and clause of this section is hereby declared to be separable and severable, The validity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other portion declared to be invalid by a court of competent jurisdiction shall be deleted herefrom. (as added by Ord. #297-04, Feb. 2004)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Equipment to be used only within corporate limits generally.
- 7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen of the town. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board and such number of physically-fit subordinate officers and firemen as the board shall appoint. (1985 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practical.
- (7) To assist all legal authorities in suppressing the crime of arson and the causes, origin, and circumstances of all fires.
- (8) To preserve law and order within the town during the course of an emergency and for this purpose firemen shall have the same powers as policemen. (1985 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall make definite assignments to individuals and shall enforce such rules and regulations as the board of mayor and aldermen shall formulate,

¹Municipal code reference

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

as shall be necessary for the orderly and efficient operation of the fire department. (1985 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1985 Code, § 7-304)

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

All personnel of the fire department shall receive such compensation for their services as the board may from time to time prescribe. (1985 Code, § 7-305)

7-306. 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. (1985 Code, § 7-306)

7-307. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting fires outside the corporate limits unless such fire is on town owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger such town property, except that fire service will continue to be provided to those establishments with whom the town has agreements, written, verbal, or otherwise. However, in order to bring the town into compliance with Tennessee Code Annotated, section 7-34-104(9), written agreements for the provision as such fire service shall be entered into between the town and those establishments. (1985 Code, § 7-307)

7-308. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the chief of the fire department is designated as an assistant to the State Commissioner of Insurance and Banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, Title 68, Chapter 17, and shall be subject to the directions of the Commissioner in the execution of the provisions thereof. (1985 Code, § 7-308)

CHAPTER 4

FIREWORKS

SECTION

7-401. Sale of fireworks within municipal limits.

7-401. Sale of fireworks within municipal limits. (1) In the event that a business wishes to engage in the sale of fireworks within the municipal limits of the Town of Dover, Tennessee, then such business must be conducted within a building or structure that meets the requirements of a Type 3 construction, Section 604 of the Standard Building Code of 1988 as promulgated by the Southern Building Code Congress International.

(2) That said retail business shall engage in the sale of retail items other than fireworks.

(3) That an area be designated for fireworks sales and display apart and away from other sale areas within the structure.

(4) That the business must comply with the requirements of Tennessee Code Annotated, Section 68-22-101 et seq.

(5) That the business shall allow an inspection by the appropriate officials designated by the board of mayor and aldermen for the Town of Dover, Tennessee, for the inspection and compliance with said ordinance.

(6) If said business or retail establishment fails to comply with the paragraph (1) through (5) inclusive, same are subject to a fine or assessment not to exceed One Thousand (\$1,000.00) Dollars per day for the duration of the time that said retail establishment shall engage in the sale of fireworks while not meeting the requirements as set forth herein. (Ord. # 205-91, Aug. 1991)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he is lawfully acting pursuant to the authority of an applicable state law² 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 town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1985 Code, § 2-101)

¹Municipal code references

Driving under the influence: section 15-104.

Minor in beer places, etc.: title 11, chapter 2.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Tennessee Code Annotated, title 39, chapter 6.

CHAPTER 2

BEER¹

SECTION

- 8-201. "Beer" defined.
- 8-202. Permit required for engaging in beer business.
- 8-203. Application and approval of beer permit.
- 8-204. General regulations.
- 8-205. Specific restrictions.
- 8-206. Suspension or revocation of permits.
- 8-207. Civil penalty in lieu of suspension.
- 8-208. Privilege tax.

8-201. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101. (1985 Code, § 2-201, as replaced by Ord. #419-18, Feb. 2018)

8-202. Permit required for engaging in beer business. No person, firm, corporation, syndicate, or association shall engage in the storing, selling, distributing, and/or manufacturing of beer of alcoholic content of not more than five percent (5%) by weight or other beverage of like alcoholic content within the corporate limits of the Town of Dover until he shall have received a permit to do so from the town recorder, which permit shall at all times be subject to all of the limitations and restrictions hereinafter provided. The town recorder shall not issue such permit unless and until he is instructed to do so by the board of mayor and aldermen, which is designated, and shall act as the beer board.² (1985 Code, § 2-202)

8-203. Application and approval of beer permit. Applications for a beer permit shall be filed with the town recorder. Each applicant shall submit with his application satisfactory evidence that he has registered and received from

¹Municipal code reference

Minors in beer places, etc: title 11, chapter 2.

Tax provisions: title 5.

State law reference

For a leading Tennessee 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).

²State law reference

Tennessee Code Annotated, section 57-5-108.

the Commissioner of Finance and Taxation of the State of Tennessee a certificate showing such registration and that he has filed with said Commissioner of Finance and Taxation a bond securing the payment of the state taxes. Each application shall be accompanied by a two hundred and fifty dollar (\$250.00) non-refundable application fee.¹

The town recorder shall make an investigation of the applicant and may be assisted by the police department in such an investigation. Upon completion of said investigation, the recorder shall submit the application and recommendations to the board of mayor and aldermen at its next meeting. The board of mayor and aldermen shall consider the application filed and grant or refuse the permit according to its best judgment of the facts and circumstances. The action of the board of mayor and aldermen in granting or refusing a permit shall be final except as same is subject to review at law.

Before the recorder shall issue a beer permit for the storing, selling, distributing and/or manufacturing of beer, each applicant must file with the recorder a cash bond or a bond with a surety company licensed to do business in Tennessee in such amount as authorized by state law and conditioned that the principal will pay over and account to the town for all privilege taxes levied under the State law and this code. (1985 Code, § 2-203, modified)

8-204. General regulations. No license shall be issued to sell beer or other beverage coming within the provisions of this chapter or in violation of any provision of the state law, or where such sale will cause congestion of traffic or interfere with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, or morals. The judgment of the board of mayor and aldermen on such matters shall be final except that the same is subject to review at law. No permit shall be issued to sell any beverage coming within the provisions of this chapter for consumption on the premises where the primary or principal business carried on is the sale of groceries, drugs, candies, soda fountain drinks, merchandise, or commodities, other than the serving of meals and lunches; provided, nothing in this section shall prevent the sale or consumption of beer in dining rooms and lunch rooms of stores where such rooms are separate and distinct from other departments. No permit shall be issued to sell any beverage coming within the provisions of this chapter in a room or place used to carry on the business of playing at pool or billiards except in the front of such room or place which is separated from the other part of the building by a partition or wall and where there is a regularly licensed restaurant or lunch room occupying such room separated from the game room by said partitions or walls.

¹State law reference

Tennessee Code Annotated, section 57-5-104(a).

The following types of establishments are not suitable for the retail sale of beer and no beer permit shall be granted:

(1) Establishments located within one hundred feet (100') of churches or schools. This will be measured from the main front door entrance to main front door entrance.

(2) Establishments in predominantly residential districts.

(3) Establishments not abutting on a public sidewalk or street unless there is provided room to park the cars of patrons off the right of way.

(4) Establishments which are not kept in a clean and sanitary condition.

(5) Places that are not adequately lighted and ventilated. A permit may be issued for the sale of any beverage coming within the provisions of this chapter in hotels, clubs, or lodges subject to all the limitations and restrictions of the state law and this chapter.

All retailers shall furnish to the town recorder the names and addresses of all establishments or persons from whom they purchase or receive beer for resale. Retailers shall keep records of all deliveries and sales in such form as may be required by the town recorder. (1985 Code, § 2-204, as amended by Ord. #423-18, May 2018)

8-205. Specific restrictions. Before any permit is issued by the town recorder, the applicant shall file with the board of mayor and aldermen a sworn petition in writing establishing the following facts which are hereby made conditions of any permit issued thereunder and any misstatement of fact shall be sufficient cause for the revocation of such permit:

(1) The applicant shall be a citizen of the United States or if a firm, syndicate, or association, the members thereof shall be citizens of the United States. The application shall designate the location of the premises where the business will be conducted and shall name the owner or owners of such premises.

(2) No person shall be employed in the storage, sale, or manufacture of such beverage except citizens of the United States.

(3) The applicant shall not engage in the sale of such beverages except at the place or places for which the board of mayor and aldermen has issued a permit or permits to said applicants.

(4) No sale of such beverages shall be made except in accordance with the following conditions:

(a) If the application is for a permit to sell for consumption on the premises, said applicant will make no sale except where meals or lunches are regularly served at tables or counters under regular license.

(b) If the application is for a permit to sell at hotels, sales for consumption on the premises will be made only at tables and to person in guest rooms.

(c) If the application is for a permit in a club or lodge, such applicant must be a regularly incorporated club or lodge operating under a charter and by-laws in which the officers are elected by regular membership. Members of said organization must pay a substantial membership or initiation fee. The purpose of organization and existence of said club shall be for purposes other than the sale of beverages covered by this chapter.

(d) If the application is for a permit to sell not for consumption on the premises, no sale will be made for consumption on the premises, or on the sidewalks, streets, or property within two hundred (200) yards thereof. No such beverages will be kept for sale on said premises except in the original packages or containers.

(5) The applicant shall not permit persons under the age of nineteen (19) years or any disorderly or disreputable person or persons previously convicted of violation of the liquor laws to loiter around or frequent his place of business.

(6) The applicant shall not allow gambling or gambling devices on his premises.

(7) The applicant shall not allow any liquors or beverages of alcoholic content greater than five percent (5%) by weight to be brought into his premises for consumption therein.

(8) Neither the applicant nor any person employed by him in the distribution, sale, or manufacture of beer shall have been convicted of any violation of the laws of the State of Tennessee against the sale, manufacture, possession, or transportation of beer or intoxicating liquors or of any crime involving moral turpitude within the past ten (10) years.

(9) The applicant shall conduct the business in person for himself. If the applicant is acting as agent, the application shall state the person, firm, corporation, syndicate, association, or joint stock company for whom the applicant intends to act.

(10) The applicant shall not distribute or sell beverages in bottles or other containers unless such containers shall bear a label or cap showing the name of the manufacturer thereof.

(11) The applicant shall not purchase beer except from manufacturers or distributors licensed to manufacture or distribute such beverage in this state. No manufacturer or distributor shall sell beer for resale except to those who have been licensed by the board of mayor and aldermen.

(12) Beer licenses and permits are not transferable from one person to another or from one location to another. No licensee or permittee shall abandon, loan, rent, or lease his license or permit. Upon the sale of a licensed establishment, the licensee shall remove his beer license and permit from the premises and deposit the same with the town recorder.

(13) Time of sale of beer. The Town of Dover agrees to comply with the Tennessee Code Annotated with regard to the time of sale of beer.

(14) Beer shall be served only in receptacles which have been cleansed and sterilized.

(a) Receptacles shall be washed in hot water containing an effective cleansing agent and then rinsed.

(b) Sterilization may be accomplished by either of the following methods:

(1) Immersing for not less than one minute in clean water containing at least one hundred parts per million of available chlorine or in equivalent disinfecting solution.

(2) Immersing for not less than two minutes in clean hot water maintained at a temperature of at least 170 degrees Fahrenheit.

(15) No person under eighteen (18) years of age shall engage in the retail sale of beer. No person under the age of eighteen (18) years shall engage in the delivery of beer.

(16) It shall be unlawful for any licensee or permittee to sell, furnish, or give away beer: (1) to any person visibly intoxicated; (2) to any insane person; (3) to any person under the age of twenty-one (21) years; or (4) to habitual drunkards or persons known of intemperate habits. (1985 Code, § 2-205, as amended by Ord. #277-01, Aug. 2001, and Ord. #423-18, May 2018)

8-206. Suspension or revocation of beer permits. The board of mayor and aldermen shall have the power to suspend or revoke any beer permits issued under the provisions of this chapter when the holder thereof is guilty of making a false statement of misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after five (5) days notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the recorder, police chief, or by any member of the board of mayor and aldermen. (1985 Code, § 2-206)

8-207. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer

shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Dover, 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.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS .
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. CABLE TELEVISION.
5. ADULT-ORIENTED BUSINESS ESTABLISHMENTS.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days, he shall prima facie be deemed to have violated this section. (1985 Code, § 5-101)

¹Municipal code references

Beer business regulations: title 8, chapter 2.

Building, plumbing, and wiring, etc.: title 12.

Privilege tax provisions, etc.: title 5.

Health and sanitation: title 13.

Posting notices or advertisements: title 11.

Zoning provisions: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1985 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations. (1985 Code, § 5-202)

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

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

¹Municipal code reference

Privilege taxes: title 5.

Trespass by peddlers, etc.: section 11-801.

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

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

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

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

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

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

(10) At the time of filing of the application, a fee of five dollars (\$5.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1985 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by Section 9-206. The recorder shall keep a permanent record of all permits issued. (1985 Code, § 5-204)

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

delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1985 Code, § 5-205)

9-206. Bond. Every permittee shall file with the recorder a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1985 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purposes of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell. (1985 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1985 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1985 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1985 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1985 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1985 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1985 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS¹

SECTION

9-301. Permit required.

9-302. Prerequisites for a permit.

9-303. Denial of a permit.

9-304. Exhibition of permit.

9-305. Road blocks and solicitations from public streets and thoroughfares.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1985 Code, § 5-301)

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1985 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he

¹Municipal code reference

Trespass by peddlers, etc.: section 11-801.

has not been granted a permit within fifteen (15) days after he makes application therefor. (1985 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policemen or person solicited. (1985 Code, § 5-304)

9-305. Road blocks and solicitations from public streets and thoroughfares. All road blocks and solicitations from public streets and thoroughfares within the Town of Dover are prohibited except for those national organizations whose chartered purpose is for medical research, health improvements, and promotion of the general welfare. (1985 Code, § 5-305)

CHAPTER 4

CABLE TELEVISION¹

SECTION

9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television shall be furnished for the town and its inhabitants under such franchise as the board of mayor and aldermen may grant. The rights, powers, duties, and obligations of the town, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1985 Code, § 13-401)

¹Ordinance number 120, March 1981 of record in the office of the recorder, established the terms and parameters of cable television franchises granted by the board of mayor and aldermen. See also Ordinances # 152-86, June 1986; #172-87, Dec. 1987; and #238-96, July 1996 for franchise assignments.

CHAPTER 5

ADULT-ORIENTED BUSINESS ESTABLISHMENTS

SECTION

- 9-501. Purpose and intent.
- 9-502. Definitions.
- 9-503. License to operate.
- 9-504. License to operate -- application.
- 9-505. License to operate -- qualifications.
- 9-506. Inspectors -- notice of results.
- 9-507. Revocation, suspension or annulment of licenses.
- 9-508. Hearings on disciplinary actions -- judicial review -- prohibition on operation of business.
- 9-509. Termination and renewal of licenses -- applications -- fees.
- 9-510. Prohibited hours of operation -- hours open for inspection.
- 9-511. Duties and responsibilities of operators, entertainers and employees.
- 9-512. Prohibited activities.
- 9-513. Entertainers or escorts -- permits -- required.
- 9-514. Entertainers or escorts -- permits -- application.
- 9-515. Entertainers or escorts -- permits -- qualifications -- investigations.
- 9-516. Operators, entertainers and escorts -- licenses and permits -- fees.
- 9-517. Penalties for violation of part.

9-501. Purpose and intent. It is the purpose of this chapter to regulate adult-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to govern the operation of adult-oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. (as added by Ord. #223-94, June 1994)

9-502. Definitions. As used in this part, unless the context otherwise requires:

(1) "Adult bookstore" means an establishment having a substantial or significant portion of its stock or trade in books, films, video cassettes or any other kind of video tape, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specific anatomical areas" as defined below, and, in conjunction therewith, have facilities for the presentation of adult

entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein;

(2) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

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

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

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

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

(7) "City" means the Town of Dover.

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

(9) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not

a fee is charged or accepted is provided as an employee, escort or an independent contractor;

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

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

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

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

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

(15) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals;

(ii) Pubic region;

(iii) Buttocks; and

(iv) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely opaquely covered; and

(16) "Specified sexual activities" means:

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

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

or

(c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (as added by Ord. #223-94, June 1994)

9-503. License to operate. (1) Except as provided in subsection (5), from and after the effective date of this part¹ no adult-oriented establishment shall be operated or maintained in the city without first obtaining a license to operate issued by the city manager.

¹These provisions were taken from Ord. #223-94 which passed second reading June 21, 1994.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for each.

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

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

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within thirty (30) days of the effective date of this chapter. If a license is not issued within such thirty day (30) period, then such existing adult-oriented establishment shall cease to operate.

(6) No license shall be issued by the city manager unless the applicant certifies, by proof satisfactory to the city manager, that the applicant has satisfied the rules, regulations and provision of the applicable zoning requirements in the city. Any zoning requirement shall be in addition to and an alternative to any requirement of this legislation.

(7) No adult-oriented establishment shall be operated or maintained in the city within two thousand (2,000) feet, measured from property line to property line, of a school, church, public recreation facility, day care facility, municipal, state, federal or private park or playground, picnic ground and undeveloped wood or forest land.

(8) No adult-oriented establishment shall be operated or maintained in the city within two thousand (2,000) feet, measured from property line to property line, of a boundary of a residential zone or a lot devoted to residential use, but it single family or multi-family in use or as zoned.

(9) No adult-oriented business establishment shall be operated or maintained in the city within two thousand (2,000) feet, measured from property line to property line, of another adult-oriented business establishment. (as added by Ord. #223-94, June 1994)

9-504. License to operate -- application. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the city manager. The city manager shall establish procedures and criteria for the issuance of a license.

(2) The application for a license shall be upon a form provided by the city manager. An applicant for a license, including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any person who is interested directly in the

ownership or operation of the business shall furnish the following information under oath:

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) All residential addresses of the applicant for the past three years;
- (d) The applicant's height, weight, color of eyes and hair;
- (e) The business, occupation, or employment of the applicant for (5) five years immediately preceding the date of the application;
- (f) The adult-oriented establishment or similar business license history of the applicant; whether such applicant is previously operating in this or any other county, city, or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation;
- (g) All criminal statutes, whether federal or state, or city ordinance violations, for which conviction, forfeiture of bond or pleading of nolo contendere have occurred, except a minor traffic violation;
- (h) Two (2) portrait photographs at least two inches (2") by two (2") of the applicant;
- (i) The address of the adult-oriented establishment to be operated by the applicant;
- (j) The names and addresses of all persons, partnerships, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including, but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant;
- (k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application;
- (l) The length of time the applicant has been a resident of the city or its environs, immediately preceding the date of the application;
- (m) If the applicant is a corporation, the name of the corporation and the date and state of incorporation, and the name and address of the registered agent; and
- (n) A statement by the applicant that the applicant is familiar with the provisions of this legislation and is in compliance with them.

(3) Within thirty (30) days, or a reasonable time thereafter of receiving the results of the investigation conducted by the city manager, the city manager shall notify the applicant that the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days, unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the city manager shall advise the applicant in writing whether the application is granted or denied.

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

(5) Failure or refusal of the applicant to give any information relevant to the investigation or the application of the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application of the applicant's refusal to submit to or cooperate with any investigation required by this part constitutes an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the city manager. (as added by Ord. #223-94, June 1994)

9-505. License to operate -- qualifications. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- (1) If the applicant is an individual:
 - (a) The applicant shall be at least eighteen (18) years of age;
 - (b) The applicant shall not have been convicted or pleaded nolo contendere to a felony or any crime involving moral turpitude within ten (10) years immediately preceding the date of the application or the date of release from confinement or incarceration, whichever is later.
 - (c) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this part;
- (2) If the applicant is a corporation:
 - (a) All officers, directors and stockholders required to be named under section 9-503(2) shall be at least eighteen (18) years of age;
 - (b) No officer, director or stockholder required to be named under section 9-503(2) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude within ten (10) years immediately preceding the date of the application or the date of release from confinement or incarceration, whichever is later; and
 - (c) No officer, director or stockholder required to be named under section 9-503(2) shall have been convicted of or pleaded nolo contendere to any violation of this part.
- (3) If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
 - (a) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
 - (b) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral

turpitude within ten (10) years immediately preceding the date of the application or the date of release from confinement or incarceration, whichever is later.

(c) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this part; and

(4) No license shall be issued unless the city manager has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city manager no later than thirty (30) days after the date of the application. (as added by Ord. #223-94, June 1994)

9-506. Inspectors -- notice of results. (1) In order to effectuate the provisions of this chapter, the city manager or his/her authorized representative, is empowered to conduct investigations of persons engaged in the operation of any adult-oriented establishment and inspect the license of the operators and establishment for compliance. Refusal of an operation or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue licenses provided by this part.

(2) Within thirty (30) days, or a reasonable time thereafter, of receiving the results of the investigation the city manager shall notify the applicant that the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days, unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the city manager shall advise the applicant in writing whether the application is granted or denied. (as added by Ord. #223-94, June 1994)

9-507. Revocation, suspension or annulment of licenses. (1) The city manager shall revoke, suspend or annul a license for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application;

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

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

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

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

(f) Any narcotic or scheduled drug is used, consumed or sold on the premises.

(2) The city manager, before revoking or suspending any license, shall give the operator at least ten (10) days written notice of the charges against the operator and the opportunity for a public hearing before the city manager at which time the operator may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator.

(4) Any operator whose license is revoked shall not be eligible to receive a license for five (5) years from the date of revocation. No location or premises for which a license had been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (as added by Ord. #223-94, June 1994)

9-508. Hearings on disciplinary actions -- judicial review -- prohibition on operation of business. (1) The city manager shall provide applicants denied issuance of licenses or operators whose licenses are revoked or not renewed a hearing on such refusal, revocation or non-renewal, which is consistent with due process of law.

(2) All decisions of the city manager on the revocation, refusal to issue, or non-renewal of licenses shall be reviewable in the chancery courts of the county wherein the board is located only as to the existence of any substantial evidence upon which the city manager could base his/her decision.

(3) Upon a decision of the city manager to refuse to issue, revoke or not to renew a license, the operator or establishment shall be prohibited from operating the establishment until the city manager's decision is overturned. (as added by Ord. #223-94, June 1994)

9-509. Termination and renewal of licenses -- applications -- fees.

(1) Every license issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the city manager. The application for renewal must be filed not later than ninety (90) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city manager. The application for renewal shall contain such information and data, given under oath or affirmation, as may be required by the city manager, but not less than the information contained in the original application.

(2) A license renewal fee of one thousand dollars (\$1,000.00) shall be submitted with the application for renewal. If the license renewal fee of one

thousand dollars (\$1,000.00) is not tendered by money order or cashier's check at the time the application for renewal is tendered, the application for renewal shall be refused.

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

(4) Every permit issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked and must be renewed before an entertainer is allowed to provide entertainment in an adult-oriented establishment in the following calendar year. Any entertainer desiring to renew a permit shall make application to the city manager. The application for renewal must be filed not later than ninety (90) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the city manager. The application for renewal shall be upon a form provided by the city manager and shall contain such information and data, given under oath or affirmation, as may be required by the city manager.

(5) A permit renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal.

(6) If the city manager is aware of any information bearing on the entertainer's qualification, that information shall be filed in writing with the city manager not later than ten (10) days after the date of the application for renewal. (as added by Ord. #223-94, June 1994)

9-510. Prohibited hours of operation -- hours open for inspection. (1) No adult-oriented establishment shall be open between the hours of twelve o'clock a.m. (12:00 a.m.) and eight o'clock (8:00 a.m.). No adult-oriented establishment shall be open between the hours of twelve o'clock (12:00 a.m.) Sunday and eight o'clock (8:00 a.m.) Monday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the city manager or such other persons as the city manager may designate. (as added by Ord. #223-94, June 1994)

9-511. Duties and responsibilities of operators, entertainers and employees. (1) The operator shall maintain a register of all employees, showing the name, the aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone number, social security number, driver license number, date of employment and termination and duties of each employee, and such other information as may be required by the city manager. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the employee register available immediately for inspection by the city manager or his designee at all reasonable times.

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

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

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the city manager or his designee.

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

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

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

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

(10) The license shall be conspicuously displayed in the common area of the premises at all times. (as added by Ord. #223-94, June 1994)

9-512. Prohibited activities. (1) No operator, entertainer or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow, patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia, including, but not limited to masturbation.

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

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

(4) Public nudity is prohibited in an adult-oriented establishment. (as added by Ord. #223-94, June 1994)

9-513. Entertainers or escorts -- permits -- required. No person shall be an entertainer or escort in an adult-oriented establishment without a valid permit issued by the city manager. (as added by Ord. #223-94, June 1994)

9-514. Entertainers or escorts -- permits -- application. (1) Any person desiring to secure a permit shall make application to the city manager. The city manager shall establish procedures and criteria for the issuance of a permit. The application shall be filed in triplicate with and dated by the city manager.

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

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) All residential addresses of the applicant for the past three (3) years;
- (d) The applicant's height, weight, color of eyes and hair;
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application;
- (f) The adult-oriented establishment or similar business permit history of the applicant; whether such person, in previously operating in this or any other city or state under permit, has had such permit revoked or suspended, the reason therefore, and the business activity or occupation subject to such action of suspension or revocation;
- (g) All criminal statutes, whether federal or state, or city ordinance violation for which a conviction, forfeiture of bond and pleadings of nolo contendere have occurred, except minor traffic violations;
- (h) Two (2) portrait photographs at least two inches (2") by two inches (2") of the applicant;

(i) The length of time the applicant has been a resident of the county or its environs immediately preceding the date of the application; and

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

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

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

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the applicant or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application for the applicant's refusal to submit to or cooperate with any investigation required by this part constitutes an admission by the applicant that the applicant is ineligible for such permit and is grounds for denial thereof by the city manager. (as added by Ord. #223-94, June 1994)

9-515. Entertainers or escorts -- permits -- qualifications -- investigations. (1) To receive a permit as an entertainer or escort, an applicant must meet the following standards:

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

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude within ten (10) years immediately preceding the date of the application or the dates of release from confinement or incarceration whichever is later; and

(c) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this part.

(2) No permit shall be issued until the city manager has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city manager no later than thirty (30) days after the date of the application. (as added by Ord. #223-94, June 1994)

9-516. Operators, entertainers and escorts -- licenses and permits -- fees.

(1) A license fee of one thousand (\$1,000) dollars shall be submitted with the application for a license.

(2) A permit fee of five hundred (\$500.00) dollars shall be submitted with the application for a permit. (as added by Ord. #223-94, June 1994)

9-517. Penalties for violation of part. (1) Any person, partnership or corporation who is found to have violated this part shall be fined a definite sum not exceeding fifty dollars (\$50.00) and shall result in the suspension or revocation of any license.

(2) Each violation of this part shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #223-94, June 1994)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Adequate food, water, and shelter, etc., to be provided.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Cruel treatment prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Inspection of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits to the damage or annoyance of any of the residents of the town. (1985 Code, § 3-101)

10-102. 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. (1985 Code, § 3-102)

10-103. 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, safe condition, and wholesomeness for food if so intended. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1985 Code, § 3-103)

10-104. 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 either because of noise, odor, contagious disease, or other reason. (1985 Code, § 3-104)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1985 Code, § 3-105)

10-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. 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 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 be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1985 Code, § 3-106)

10-107. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1985 Code, § 3-107)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination required.
- 10-202. Dogs to be registered and wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Female dogs.
- 10-207. Confinement of dogs suspected of being rabid.
- 10-208. Seizure and disposition of dogs.

10-201. Rabies vaccination required. It shall be unlawful for any person to own, harbor, keep, or possess any dog over the age of three (3) months within the Town of Dover, without having the same inoculated against rabies between January 1 and May 1 of each year and obtaining a certificate from the veterinarian certifying that said dog has been inoculated against rabies for the current year.¹ (1985 Code, § 3-201)

10-202. Dogs to be registered and wear tags. A metal tag or plate shall be presented at the time of such inoculation as provided for in Section 10-201 and shall be attached to the collar or harness of the dog inoculated and shall be worn at all times. It shall be the duty of the town recorder to keep a record of such inoculations and to check and see that the same are renewed each year. (1985 Code, § 3-202)

10-203. Running at large prohibited. It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits in violation of this chapter. (1985 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (1985 Code, § 3-204)

¹State law reference

Tennessee Code Annotated, sections 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. (1985 Code, § 3-205)

10-206. Female dogs. It shall be unlawful for any person being the owner, harborer, possessor, or keeper of any female dog to permit said dog to run at large while in heat. (1985 Code, § 3-206)

10-207. 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. (1985 Code, § 3-207)

10-208. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, 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 (1985 Code, § 3-208)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the case of Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

TITLE 11

MUNICIPAL OFFENSES

CHAPTER

1. GENERALLY.
2. ALCOHOL.
3. AGAINST THE PERSON.
4. FORTUNE TELLING, ETC.
5. FIREARMS, WEAPONS, AND MISSILES.
6. OBSCENITY, MORALS.
7. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
8. TRESPASSING.
9. DANGEROUS CONDITIONS ON PROPERTY; POSTING NOTICES.
10. AGAINST THE PEACE AND QUIET.
11. MINORS.

CHAPTER 1

GENERALLY¹

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state² adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against this

¹Municipal code references

- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Health and sanitation: title 13.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

²State law reference

- For the definition of "misdemeanor," see Tennessee Code Annotated sections 39-11-110 and 39-11-111.

town also. Any violation of any such law within the corporate limits is also a violation of this section. (1985 Code, § 10-101)

CHAPTER 2

ALCOHOL

SECTION

11-201. Drinking alcoholic beverages on streets, etc.

11-201. Drinking alcoholic beverages on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on premises consumption. (1985 Code, § 10-202)

CHAPTER 3

AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-302. Coercing people not to work.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault and battery upon another person. (1985 Code, § 10-301)

11-302. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of the section to prohibit peaceful picketing. (1985 Code, § 10-302)

CHAPTER 4

FORTUNE TELLING, ETC.

SECTION

11-401. Fortune telling, etc.

11-401. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1985 Code, § 10-403)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Weapons and firearms generally.

11-502. Air rifles, etc.

11-503. Throwing missiles.

11-501. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. It shall also be unlawful for any unauthorized person to discharge a firearm within the town. (1985 Code, § 10-501)

11-502. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1985 Code, § 10-502)

11-503. 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. (1985 Code, § 10-503)

CHAPTER 6

OBSCENITY, MORALS

SECTION

11-601. Disorderly houses.

11-602. Immoral conduct.

11-603. Obscene literature, etc.

11-604. Indecent or improper exposure or dress.

11-601. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried out to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1985 Code, § 10-601)

11-602. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or any act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (1985 Code, § 10-602)

11-603. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, selling or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (1985 Code, § 10-603)

11-604. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked, or to otherwise make any indecent exposure of his or her person. (1985 Code, § 10-604, modified)

CHAPTER 7

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-701. Escape from custody or confinement.

11-702. Resisting or interfering with an officer.

11-703. Impersonating a government officer or employee.

11-704. Interfering with traffic.

11-705. False emergency alarms.

11-701. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1985 Code, § 10-701)

11-702. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his municipal duties. (1985 Code, § 10-702)

11-703. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore no person shall deceitfully impersonate or represent that he is any other government officer or employee. (1985 Code, § 10-703)

11-704. Interfering 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 unreasonably prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1985 Code, § 10-704)

11-705. 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 an act. (1985 Code, § 10-705)

CHAPTER 8

TRESPASSING

SECTION

11-801. Trespassing.

11-802. Malicious mischief.

11-801. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall 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.¹ (1985 Code, § 10-801)

11-802. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1985 Code, § 10-802)

¹Municipal code reference
Peddlers, etc.: title 9, chapter 1.

CHAPTER 9

DANGEROUS CONDITIONS ON PROPERTY; POSTING NOTICES

SECTION

11-901. Abandoned refrigerators, etc.

11-902. Caves, wells, cisterns, etc.

11-903. Posting notices, etc.

11-901. 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. (1985 Code, § 10-901)

11-902. 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. (1985 Code, § 10-902)

11-903. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1985 Code, § 10-903)

CHAPTER 10

AGAINST THE PEACE AND QUIET

SECTION

11-1001. Disturbing the peace.

11-1002. Anti-noise regulations.

11-1001. 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. (1985 Code, § 10-1001)

11-1002. 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 loud-speakers 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 any time or place so as to annoy or disturb

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

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

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

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

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

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

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

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways, at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it 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. (1985 Code, § 10-1002)

CHAPTER 11

MINORS

SECTION

11-1101. Curfew for minors.

11-1102. Minors in beer places.

11-1101. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having legal custody of such minor. (1985 Code, § 10-1101)

11-1102. Minors in beer places.¹ No minors under twenty-one (21) years of age shall loiter in or around, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1985 Code, § 10-1102)

¹Municipal code reference

Beer in the town: title 8, chapter 2.

Public drunkenness: 11-201.

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. BUILDINGS AND STRUCTURES STANDARDS.
7. AMUSEMENT DEVICE CODE.
8. EXISTING BUILDINGS CODE.
9. MECHANICAL CODE.
10. SWIMMING POOL CODE.
11. UNSAFE BUILDING ABATEMENT CODE.
12. ENERGY CODE.

CHAPTER 1

BUILDING CODE

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the

¹Municipal code references

- Fire protection, fireworks, and explosives: title 7.
- Health and sanitation: title 18.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

International Building Code,¹ 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. Any matters in the building code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1985 Code, § 4-101, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, Ord. #312-05, Oct. 2005, Ord. #369-11, Aug. 2011, and Ord. #396-14, Oct. 2014)

12-102. Modifications. (1) Within the building code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) Permit fees. For all construction the permit fee shall be at the rate of thirty-five cents (\$.35) per square foot for all finished areas, including carport or garage areas. The permit fee for all signs shall be the rate of thirty-five cents (\$.35) per square foot. There shall be a minimum permit fee for all construction of forty dollars (\$40.00). If construction is started before the permit is issued all fees may be increased by one hundred percent (100%). (Ord. #191-89, Oct. 1989, modified, as amended by Ord. #260-98, Dec. 1998; Ord. #271-01, Feb. 2001; Ord. #272-01, Feb. 2001, Ord. #314-06, Feb. 2006, and Ord. #390-14, May 2014)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-103)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1985 Code, § 4-104)

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

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. International plumbing code adopted.

12-202. Modifications.

12-203. Available in recorder's office.

12-204. Violations.

12-201. International plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the town water or sewerage system, the International Plumbing Code,² 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. Any matters in the plumbing code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1985 Code, § 4-201, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, Ord. #312-05, Oct. 2005, and Ord. #396-14, Oct. 2014)

12-202. Modifications. (1) Within the plumbing code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code are concerned.

(2) Permit fees. For all construction the plumbing permit fee shall be at the rate of ten dollars (\$10.00) for each plumbing fixture or plumbing device. There shall be a minimum permit fee for all construction of forty dollars (\$40.00). If construction is started before the permit is issued all fees may be increased by one hundred percent (100%). (1985 Code, § 4-202, as amended by

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, Ord. #351-06, Feb. 2006, and Ord. #391-14, May 2014)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-203)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1985 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1993 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1985 Code, § 4-301)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within this town until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1985 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1985 Code, § 4-304)

¹Municipal code reference

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1985 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (1985 Code, § 4-306)

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Non-liability.
- 12-413. Modifications.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the town. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the board of mayor and aldermen.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1985 Code, § 4-401)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

¹Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas Code,¹ 2003 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. Any matters in the gas code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. One (1) copy of the gas code shall be kept on file in the office of the town recorder for the use and inspection of the public. (1985 Code, § 4-402, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, and Ord. #312-05, Oct. 2005)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1985 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the town recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the town recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the town recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the town recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own

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

premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1985 Code, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen and the compensation for such office shall be determined at the time of appointment. (1985 Code, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1985 Code, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the town recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1985 Code, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least fifteen (15) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1985 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1985 Code, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to five outlets, inclusive, and \$0.50 for each outlet above five.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1985 Code, § 4-410)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be

revoked, or both fine and revocation of license may be imposed. (1985 Code, § 4-411)

12-412. Non-liability. This chapter shall not be construed as imposing upon the town any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the town, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1985 Code, § 4-412)

12-413. Modifications. Within the gas code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the gas code shall be deemed to be the responsible official insofar as enforcing the provisions of the gas code are concerned. (as added by Ord. #260-98, Dec. 1998, and amended by Ord. #272-01, Feb. 2001)

CHAPTER 5

RESIDENTIAL CODE

SECTION

12-501. Residential code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

12-501. Residential code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code,¹ 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the residential code, with the exception that section R313.2 of the International Residential Code which requires sprinkler systems in one- and two-family housing units, is not included or adopted. (1985 Code, § 4-501, as amended by Ord. #260-98, Dec. 1998, Ord. #272-01, Feb. 2001, replaced by Ord. #312-05, Oct. 2005, and amended by Ord. #369-11, Aug. 2011, and Ord. #396-14, Oct. 2014, and replaced by Ord. #418-17, Jan. 2018)

12-502. Modifications. (1) Within the housing code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the housing code shall be deemed to be the responsible official insofar as enforcing the provisions of the housing code are concerned.

(2) Penalty clause deleted. Section 108 of the housing code is deleted. (1985 Code, § 4-502, as amended by Ord. #260-98, Dec. 1998, and Ord. #272-01, Feb. 2001)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-503)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1985 Code, § 4-504)

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

CHAPTER 6

BUILDINGS AND STRUCTURES STANDARDS

SECTION

- 12-601. Definitions.
- 12-602. Construction of certain words.
- 12-603. Applicability.
- 12-604. Provisions remedial.
- 12-605. Enforcement; adoption of rules and regulations by director.
- 12-606. Inspection of dilapidated or substandard buildings prerequisite to issuance of building, electrical, etc. permits.
- 12-607. Compliance with subchapter and certificate of occupancy prerequisite to furnishing of utility services.
- 12-608. Compliance with subchapter and certificate of occupancy prerequisite to occupancy; issuance of temporary certificates of occupancy.
- 12-609. Dwellings unfit for human habitation - When deemed unfit.
- 12-610. Procedure for charging unfitness.
- 12-611. Notice to repair, vacate or demolish.
- 12-612. Failure to comply.
- 12-613. Authority of director to demolish buildings when owner fails to do so; notice to tenants to vacate.
- 12-614. Handling and disposal of debris: protection of below-grade areas.
- 12-615. Costs of repair demolition, etc., constitute lien on property; sale of materials salvaged; disposition of proceeds of sale.
- 12-616. Authority of director to inspect dwellings, etc.
- 12-617. Rights of entry for inspection, etc.
- 12-618. Minimum standards for basic equipment and facilities.
- 12-619. Minimum standards for light, ventilation and heating.
- 12-620. General requirements as to safe and sanitary maintenance of parts of dwellings and dwelling units.
- 12-621. Minimum space, use and location requirements.
- 12-622. Responsibilities of owners and occupants.
- 12-623. Conflicts with other ordinances, etc.
- 12-624. Compliance with subchapter; exceptions.
- 12-625. Permits - required; application; issuance term; contents; display; nontransferable.
- 12-626. Appeal from denial of permit.
- 12-627. Suspension.
- 12-628. Hearing on suspension; revocation.
- 12-629. Toilet, lavatory and bathing facilities.
- 12-630. Minimum space requirements.
- 12-631. Means of egress.
- 12-632. Responsibility of operator for sanitary maintenance.

- 12-633. Applicability of provisions to hotels.
- 12-634. Board of housing code appeals.
- 12-635. Organization; officers.
- 12-636. Quorum; majority vote of members present required for action.
- 12-637. Adoption of rules and regulations; appeals to be heard in open meetings.
- 12-638. Petition for hearing; when hearing to be held; notice to councilman.
- 12-639. Action by board; appeal to board stays imposition of penalty.
- 12-640. Decisions to board to be recorded; same constitute public record.
- 12-641. Appeals to court.
- 12-642. Fees for special services.

12-601. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Accessory building or structure." An accessory building or structure is a subordinate building or structure customarily incident to and located on the same lot with the main building. It is the intent of this definition to include all subordinate buildings and structures on the same lot with the main building which are used or designed to be used as a place of human habitation, in addition to such other buildings or structures used or designed to be used as garages, workshops, storage sheds, woodsheds, outhouses, privies, fences, etc.

(2) "Basement." A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) "Board or board of appeals." The Dover Board of Housing Appeals.

(4) "Building code." The building code adopted by the Town of Dover.

(5) "Cellar." A portion of a building located partly or wholly underground, and having half or more than half or its clear floor-to-ceiling height below the average grade of the adjoining ground.

(6) "Closed." When used herein, "closed" shall mean locked, boarded-up, or otherwise secured against unauthorized entry.

(7) "Dilapidated buildings or structures." All buildings, offices, stores, billboards, signs, dwellings, dwelling units, multiple dwellings, apartments, apartment houses, rooming units, rooming houses and accessory structures, including among others garages, sheds, storage buildings, wells, cisterns, etc., which, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are unsafe, unsanitary or which constitute a fire hazard or are otherwise dangerous to human life and are no longer adequate for the purpose for which they were originally intended, are hereby declared to be dilapidated buildings and structures. It is the intent of this definition to include all structures as may legally come within the scope of the definition of "structure" as set forth in this section.

(8) "Director." The director of the department of codes administration or his duly authorized representative.

(9) "Dwelling." When used in this chapter, without other qualifications, such term shall mean a building or structure occupied or designed or intended to be occupied as a place for human habitation and use by not more than two (2) families, and shall be construed to include any accessory building or structure belonging thereto or usually enjoyed therewith.

(10) "Dwelling unit." Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(11) "Electrical code." The electrical code adopted by the Town of Dover.

(12) "Extermination." The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping or by any other recognized and legal pest elimination methods approved by the director.

(13) "Enforcement officer." The director of the department of codes administration and such other officers and employees of such department as may be charged with the administration and enforcement of this chapter, or any duly authorized representative of the director.

(14) "Family." One or more persons living together whether related to each other by birth or not, having common housekeeping facilities.

(15) "Garbage." The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(16) "Habitable room." A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

(17) "Infestation." The presence, within or around a dwelling, of any insects, rodents or other pests.

(18) "Multiple dwelling." Any building or portion thereof occupied designed to be occupied by more than two (2) families.

(19) "Occupant." Any person, over one year of age, living, sleeping, cooking, eating in or having actual possession of a dwelling unit or rooming unit.

(20) "Operator." Any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

(21) "Ordinary minimum winter conditions." A temperature of zero degrees Fahrenheit.

(22) "Owner." A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(23) "Parties in interest." All persons who have interest in a dwelling and any who are in possession or control thereof, as agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the owner or owners

shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant hereto, to the same extent as if he were the owner.

(24) "Physical value." The actual cost of replacement of a building or structure with materials of a like kind erected in a like manner to the original construction. When an agreement on the physical value cannot be otherwise reached, physical value shall be the fair market value or the appraised value of the building or structure, exclusive of land values, as may be recorded in the tax digest of the Town of Dover or County of Stewart.

(25) "Plumbing." All of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(26) "Plumbing code." The plumbing code adopted by the Town of Dover.

(27) "Privacy." When used herein, privacy shall mean an area or room which may be closed-off from other rooms with a solid door with a locking device thereon.

(28) "Public authority." Any officer in charge of any department or branch of the Town of Dover or the state, relating to health, fire, building regulations or other activities concerning dwellings in the area under the jurisdiction of the Town of Dover.

(29) "Rooming unit." Any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(30) "Rooming house." Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father or sister or brother of the owner or operator.

(31) "Rubbish." Combustible and noncombustible waste materials, except garbage. Such term shall include, but not be limited to, the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

(32) "Structure." That which is built or constructed; an edifice or building or any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner. Such terms shall be construed as if followed by the words "or part thereof."

(33) "Substandard buildings or structures." All buildings, offices, stores, billboards, signs, dwellings, dwelling units, multiple dwellings, apartments, wells, apartment houses, rooming units, rooming houses and accessory structures, etc. which are used or designed or intended to be used as a habitable space in any building or structure, which do not meet the basic minimum requirements of this chapter for such use and for which a valid certificate of occupancy has not been issued; as well as all cisterns and billboards that do not

meet the basic minimum requirements for safety and appearance of this chapter.

(34) "Supplied." Paid for, furnished or provided by or under the control of the owner or operator or his agents or representatives.

(35) "Temporary housing." Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days. (Ord. #202-91, March 1991)

12-602. Construction of certain words. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," "buildings," "offices," "stores," "billboards," "signs" or "wells" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." (Ord. #202-91, March 1991)

12-603. Applicability. The provisions of this chapter shall apply uniformly to the construction, use, maintenance and occupancy of new residential buildings and structures, where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings and accessory structures located within the area of jurisdiction of the Town of Dover, including, but not limited to, billboards, wells and cisterns. The same are hereby enacted pursuant to the provisions of Tennessee Code Annotated, title 13, chapter 21. (Ord. #202-91, March 1991, as amended by Ord. #211-91, May 1992)

12-604. Provisions remedial. This chapter is hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health and general welfare, through structural stability, sanitation, adequate light and ventilation and safety to life and property from fire, pestilence and other hazards incident to the use, maintenance, and occupancy of residential buildings, structures and premises. (Ord. #202-91, March 1991)

12-605. Enforcement: adoption of rules and regulations by director. The director and such other officers and employees of the department as may be charged with the administration of this chapter, or any duly authorized representative of the director are hereby designated and appointed to exercise the powers prescribed by this chapter, except those powers that are given to the Town of Dover Housing Code Appeals. The director, in addition to such other powers as he may be given, is hereby authorized to adopt and publish rules and regulations, not inconsistent with this chapter, which will conveniently effectuate its purposes and secure compliance with its provisions. Such rules and regulations as are from time to time published shall become effective when approved by the mayor. (Ord. #202-91, March 1991)

12-606. Inspection of dilapidated or substandard buildings prerequisite to issuance of building, electrical, etc., permits. No building, plumbing, electrical, gas or other permit shall be issued for an addition, alteration or repair to an existing dilapidated dwelling or structure or for an addition, alteration or repair to a substandard building or structure until an inspection has been made to determine the feasibility of rehabilitation of such building or structure. (Ord. #202-91, March 1991)

12-607. Compliance with chapter and certificate of occupancy prerequisite to furnishing of utility services. It shall be unlawful to provide utility services (electric, water, gas or sewer), either public or private, to any existing vacant dilapidated or substandard building or structure or any existing dilapidated or substandard building or structure becoming vacant, until such time as the building or structure has been brought into compliance with this chapter and a valid certificate of occupancy, as required by section A 103.9 of the Town of Dover Building Code, has been issued. (Ord. #202-91, March 1991)

12-608. Compliance with chapter and certificate of occupancy prerequisite to occupancy; issuance of temporary certificates of occupancy. No person shall occupy, as owner or occupant, or let or offer to let to another for occupancy, any dwelling, dwelling unit, residential building or accessory building or structure for the purpose of living, sleeping, cooking or eating therein, which does not comply with the provisions of this chapter and for which a certificate of occupancy, as required by section A 103.9 of the Town of Dover Code, has not been issued. The director may issue a temporary certificate of occupancy for a specified period of time, when authorized to do so by the Town of Dover Board of Housing Code Appeals. (Ord. #202-91, March 1991)

12-609. Dwellings unfit for human habitation -When deemed unfit. Any buildings, offices, stores, billboards, signs, wells, dwelling, dwelling unit or accessory building or structure is unfit for human habitation if conditions exist in such dwelling, dwelling unit or accessory building or structure which, in the opinion of the director, are dangerous or injurious to the health, safety or morals of the occupants of neighboring dwellings or other residents of the Town of Dover. 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; uncleanliness. (Ord. #202-91, March 1991)

12-610. Procedure for charging unfitness. (1) Complaint. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer (on his own

motion) that any structure is unfit for 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 serving of the complaint:

(a) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer;

(2) Order. If, after such notice and hearing, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

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

(b) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such structure;

(3) Public officer may close. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any structure 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";

(4) Structure may be demolished. If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished; and

(5) Lien for costs. The amount of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, 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 upon 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. 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 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; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(6) Contents of complaint or order. (a) Such complaint or order shall:

(i) Include a statement of the reasons why it is being issued.

(ii) Allow a reasonable time for the performance of any act it requires.

(iii) Be served upon persons either personally or by registered mail, but if the whereabouts of any such persons is unknown and the same cannot be ascertained by the director in the exercise of reasonable diligence, and the director 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 consecutive weeks in a newspaper printed and published and in general circulation throughout the area of jurisdiction of the Town of Dover. A copy of such complaint or order shall be posted in a conspicuous place upon the premises affected by such complaint or order. A copy of such complaint or order shall be filed in the register's office of Stewart County, and such filing of the complaint or order shall have the same force and effect as other 'lis pendens' notices provided by law.

(b) Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant to this chapter. (Ord. #202-91, March 1991)

12-611. Notice to repair, vacate or demolish. (1) If, after notice and hearing, as provided in the preceding section, the director determines that the

dwelling, dwelling unit or accessory building or structure is unfit for human habitation or use, he shall state in writing his findings of fact and support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of such dwelling, dwelling unit or accessory building or structure can be made at a cost not to exceed fifty percent of the physical value of the building or structure, requiring the owner within the time specified in the order to repair, alter or improve such building or structure to render it fit for human habitation or use or to vacate and close the building or structure; or

(b) If the repair, alteration or improvement of said building or structure cannot be made at a cost not to exceed fifty (50) percent of the physical value of the building or structure, requiring the owner within the time specified in the order to remove or demolish such building or structure.

(2) For the purposes of this section, the physical value of the building or structure, exclusive of the value of the land, shall be determined by the director, within the meaning of physical value, as herein defined. (Ord. #202-91, March 1991)

12-612. Failure to comply. (1) Director authorized to repair buildings when owner fails to do so. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the building or structure, the director may cause such building or structure to be repaired, altered or improved or to be vacated and closed. The director may cause to be posted on the main entrance of any building or structure so closed, a placard with the following words, "This building is dangerous and unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful." Where, upon inspection, a dilapidated building or structure is found to be unoccupied, the director shall immediately cause such building or structure to be placarded, as set forth above, without prior notice to the owner, pending notice to the owner to repair or demolish such building or structure.

(2) Placarding of buildings deemed dangerous or unfit for habitation. If necessary, such notice shall also require the building or structure or portion thereof to be vacated forthwith, securely closed by boarding up all exterior openings, and not reoccupied until the specific repairs and improvements have been completed and a valid certificate of occupancy has been issued. Such building or structure or portion thereof shall be repaired or demolished within one year from the date of such notice, except that, for cause, the director may grant one or more extensions of time of ninety (90) days each. The director shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe and its use or occupancy has been prohibited by the director of the department of codes administration." (Ord. #202-91, March 1991)

12-613. Authority of director to demolish buildings when owner fails to do so; notice to tenants to vacate. If the owner fails to comply with an order to remove or demolish a building or structure, the director may cause such building or structure to be removed or demolished to secure the intent of this chapter. Whenever an occupied building or structure has been condemned or ordered demolished or repaired by the director, he shall notify the tenant or tenants of such action in writing, and order such tenants to vacate the premises within a specified time, if necessary to fulfill the orders set forth in such notice. Should such tenants fail or refuse to promptly comply with such notice or orders, they shall be guilty of a violation of this chapter. (Ord. #202-91, March 1991)

12-614. Handling and disposal of debris; protection of below-grade areas. Every person moving, repairing or demolishing a building or structure pursuant to orders issued under this chapter and removing debris therefrom shall cause all such debris to be thoroughly dampened with water or covered to prevent the spread of such debris or dust to adjacent properties or streets. In the case of demolition, it shall be the responsibility of the person demolishing a building or structure to remove from the premises all debris resulting from such demolition, to fill any below-grade area to grade level or to provide suitable protective fencing around any such below-grade area. (Ord. #202-91, March 1991)

12-615. Costs of repair, demolition, etc., constitute lien on property; sale of materials salvaged; disposition of proceeds of sale. The amount of the cost of any repairs, alterations, improvements, vacating, closing, removal or demolition by the director shall be a lien against the real property upon which such cost was incurred. If the building or structure is removed or demolished by the director, he shall sell the materials of such building or structure and shall credit the proceeds of such sale against the cost of removal or demolition, and any balance remaining shall be deposited in the chancery court by the director, and 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 decrees of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Dover to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

That the amount of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, 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 upon 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. 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 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; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #202-91, March 1991)

12-616. Authority of director to inspect dwellings, etc. (1) The Director is hereby authorized to make inspections to determine the condition of all residential buildings and structures, (including among others, dwellings, dwelling units, apartment buildings, rooming houses, rooming units and premises) located within the area of jurisdiction of the Town of Dover in order that he may perform his duty of safeguarding the health, safety and welfare of the occupants of such dwellings and accessory structures and of the general public.

(2) All residential buildings and structures intended for human habitation shall be inspected for compliance with this code. Said inspections, other than complaints and special inspections, shall be made according to a planned, systematic housing code compliance program adopted by resolution of the Town of Dover.

(3) The director may adopt a fee schedule subject to approval by resolution of the Town of Dover, in order to carry out the intent of this ordinance, and impose a fee for all inspections, such fee to be in accordance with § 12-642 herein. Fees not collected for such inspections shall become a lien against the real property as provided by law. The director is authorized to waive the fee for any person certified as indigent and for an inspection made from a complaint when such inspection reveals no violation or cause of action. (Ord. #202-91, March 1991)

12-617. Right of entry for inspection, etc. (1) The director shall enforce the provisions of this chapter and he, or his duly authorized representatives, may enter, upon presentation of proper identification to the owner or occupant thereof, any building, structure or premises within the area of jurisdiction of the Town of Dover to perform any duty imposed upon him by this chapter, except in cases of vacant structures. Said entry for the purpose of making any inspection required herein shall be made during reasonable hours, and so as to cause the least inconvenience to the occupants thereof.

(2) It shall be unlawful for any person, whether owner or occupant, to refuse to permit the entry of the director or any of his duly authorized representatives or to interfere in any manner in the performances of the duties imposed upon the director by this chapter. (Ord. #202-91, March 1991)

12-618. Minimum standards for basic equipment and facilities. No person shall occupy, as owner or occupant, or let to another for occupancy, any building, office, store, billboard, sign, well, dwelling or dwelling unit, for any purpose, which does not comply with the following requirements:

(1) Every dwelling unit shall contain a kitchen sink connected to an approved water supply and a sewer system, installed and maintained in accordance with the requirements of the Town of Dover plumbing code.

(2) Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition.

(3) Every dwelling unit shall contain, within a room which affords privacy to a person within such room, a bathtub or shower in good working condition and connected to a water and sewer system, in accordance with the requirements of the Town of Dover plumbing code.

(4) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of subsections (1), (2) and (3) of this section shall be connected with both hot and cold water lines and installed in accordance with the requirements of the Town of Dover plumbing code.

(5) Every dwelling unit shall be supplied with adequate rubbish storage facilities consisting of covered containers having a capacity of not more than thirty (30) gallons.

(6) Every dwelling unit shall have garbage disposal facilities or garbage disposal containers consisting of metal containers, with metal covers, having a capacity of not more than thirty (30) gallons. All rubbish and garbage storage facilities and containers shall be provided and handled in such manner as may be prescribed by the rules and regulations of the department of public works.

(7) Every dwelling shall have supplied water heating facilities which are installed and maintained in accordance with the requirements of the Town of Dover plumbing code, and which are properly connected with the hot water lines required under the provisions of subsection (4) of this section, and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection (5) of § 12-619 are not in operation.

(8) Every dwelling unit shall have an unobstructed means of egress leading to an open space at ground level, as required by the Town of Dover building code. (Ord. #202-91, March 1991)

12-619. Minimum standards for light, ventilation and heating. No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

(2) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size, as required in subsection (a) of this section, except where there is supplied some other device affording adequate ventilation and approved by the director. A device to provide adequate ventilation, for the purposes of this subsection, shall be sufficient size to provide at least one complete air change in the dwelling each four (4) minutes at an air velocity of not to exceed six hundred (600) feet per minute.

(3) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (1) and (2) of this section; except, that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the director. Such mechanical ventilation system shall be of sufficient capacity to provide at least one complete air change each six (6) minutes.

(4) When there is electric service available from the power lines which are not more than three hundred (300) feet away from a dwelling, every habitable room of such dwelling shall contain at least two (2) separate wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be

installed in accordance with the requirements of the Town of Dover electrical code, shall be maintained in good and safe working condition and shall be connected to the source of electric power in accordance with the electrical code. Whenever, in the opinion of the director, the number of electrical outlets and/or the size and condition of the electrical service is deemed inadequate or hazardous, the director may require additional outlets and/or replacement or repair of the electrical service.

(5) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least seventy (70) degrees Fahrenheit, at a distance of three (3) feet above floor level, at an outside temperature of zero degrees Fahrenheit.

"Kerosene heaters are expressly permitted provided that they are listed by Underwriters Laboratory and meet the requirements of the Standard Fire Prevention Code adopted pursuant to § 7-201 of this code."

(6) Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches controlling an adequately lighted system, which may be turned on when needed instead of full-time lighting. Adequate lighting, for the purpose of this subsection, shall be not less than one footcandle, measured at any point on the floor of a hall or on a stairway.

(7) Every window or door used or intended to be used for ventilation which may provide an entry for mosquitoes, flies or other insects, and every opening to a basement or cellar which may provide entry for rodents, shall be supplied with screens of standard-size mesh, or such other devices as will effectively prevent their entrance. (Ord. #202-91, March 1991)

12-620. General requirements as to safe and sanitary maintenance of parts of dwellings and dwelling units. No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every foundation wall, exterior wall and roof shall be substantially watertight, watertight and rodent proof. All exterior walls shall be maintained in such a condition as to be impervious to the adverse effects of weather by periodic application of paint of a similar protective coating and shall be kept in a sound condition and good repair. All foundation walls, floors and roofs shall be maintained in a safe manner and shall be capable of supporting the loads which normal use may cause to be placed thereon.

(2) Every window, exterior door and basement hatchway shall be reasonably weathertight, and shall be kept in working condition and in good repair, and equipped with safe, functioning locking devices.

(3) Every inside and outside stair, every porch and every appurtenance thereto shall be constructed so as to meet the requirements of the Town of Dover building code, and shall be kept in sound condition and good repair, including all interior walls, ceilings, floors, windows and doors.

(4) Every plumbing fixture and water and waste pipe shall be installed in accordance with the requirements of the Town of Dover plumbing code, and shall be maintained in good sanitary working condition, free from defects, leaks and obstructions.

(5) Every water closet compartment floor surface and every kitchen and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition, including cabinets, work surfaces, and other surfaces around sinks in kitchens and bathrooms.

(6) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(7) No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the director.

(8) No person shall occupy as owner or occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which has not been thoroughly cleaned and made sanitary and otherwise fit for human habitation.

(9) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and remove from the premises all such abandoned items, as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the director. For the purposes of this subsection, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power. (Ord. #202-91, March 1991)

12-621. Minimum space, use and location requirements. No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or

dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

(3) No dwelling or dwelling unit occupied by more than one family shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by more than one family, can be had only by going through the sleeping room of another family; nor shall room arrangements be such that access to a sleeping room occupied by one family can be had only by going through a sleeping room occupied by another family or through a bathroom or water closet compartment.

(4) At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven and one-half (7 1/2) feet. The floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(5) No cellar space shall be used as a habitable room or dwelling unit.

(6) No basement space shall be used as a habitable room or dwelling unit unless:

(a) The floor and walls are impervious to leakage or underground and surface runoff water and are insulated against dampness;

(b) The total window area in each room is equal to at least the minimum window area sizes required in subsection (1) of § 12-619.

(c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(d) The total of openable window area in each room is equal to at least the minimum required under subsection (1) of § 12-619, except where there is supplied a mechanical device to provide adequate ventilation, in which case the mechanical device shall be of sufficient size to provide at least one complete change of the air in the room or dwelling unit each four (4) minutes or equal, at an air velocity not exceeding six hundred (600) feet per minute. (Ord. #202-91, March 1991)

12-622. Responsibilities of owners and occupants. (1) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupied and controls.

(3) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by subsection (5) of § 12-618.

(4) Every occupant of a dwelling or dwelling unit shall dispose of his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by subsection (6) of § 12-618.

(5) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Wherever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

(6) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. (Ord. #202-91, March 1991)

12-623. Conflicts with other ordinances, etc. (1) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Town of Dover, existing on March 11, 1985, or thereafter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(2) In any conflict with a provision of any other ordinance or code of the Town of Dover, existing on March 11, 1985, or thereafter, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter. (Ord. #202-91, March 1991)

12-624. Compliance with chapter; exceptions. No person shall operate a rooming house or occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this

chapter, except the provisions of §§ 12-618 and 12-622. (Ord. #202-91, March 1991)

12-625. Permits -required; application; issuance; term; contents; display; nontransferable. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the director in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the director for such permit, which shall be issued by the director upon compliance by the operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the director within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked. (Ord. #202-91, March 1991)

12-626. Appeal from denial of permit. Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the board of housing code appeals, under the procedure provided by §§ 12-634 through 12-641. (Ord. #202-91, March 1991)

12-627. Suspension. Whenever upon inspection of any rooming house the director finds that conditions or practices exist which are in violation of any provision of this chapter or of any rule or regulation adopted pursuant hereto, the director shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the director, the operator's rooming house permit will be suspended. At the end of such period, the director shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of such notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein. (Ord. #202-91, March 1991)

12-628. Hearing on suspension; revocation. Any person whose permit to operate a rooming house has been suspended or who has received notice from the director that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected may request and shall be granted a hearing on the matter before the board of housing code appeals under the procedure provided by §§ 12-634 through 12-641 provided, that if no petition for

such hearing is filed within ten days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. (Ord. #202-91, March 1991)

12-629. Toilet, lavatory and bathing facilities. At least one flush water closet, lavatory basin and bathtub or shower, connected to a water and sewer system in accordance with the requirements of the Town of Dover plumbing code, and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities; provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the director. (Ord. #202-91, March 1991)

12-630. Minimum space requirements. Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each occupant thereof. (Ord. #202-91, March 1991)

12-631. Means of egress. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, in accordance with the requirements of the Town of Dover. (Ord. #202-91, March 1991)

12-632. Responsibility of operator for sanitary maintenance. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator. (Ord. #202-91, March 1991)

12-633. Applicability of provisions to hotels. Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency. (Ord. #202-91, March 1991)

12-634. Board of housing code appeals. (1) There is hereby created a Town of Dover Board of Housing Code appeals.

(2) The board of housing code appeals shall consist of five members, who shall have been residents of the area of the Town of Dover area for not less than one year and who shall continue to be eligible so long as they shall serve, to be appointed by the Mayor and confirmed by a majority vote of the whole membership of the board of mayor and alderman.

(a) The members of the board shall serve without compensation and may be removed from membership on the board by the mayor for continued absence from meetings of the board, physical disability or other just causes.

(b) Replacements for any members resigning or dismissed from the board shall be appointed by the Mayor and confirmed by the board of mayor and alderman in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the terms of the member replaced, unless subsequently reappointed for an additional term according to the procedures set forth above.

(c) Of the five members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, two shall be appointed for a term of three years and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for terms of four years and shall serve until his successor is appointed; except, that no member shall serve for more than two consecutive terms. (Ord. #202-91, March 1991)

12-635. Organization; officers. Within ten days after its appointment, the board of housing code appeals shall organize itself by election of one of its number as chairman and another as vice-chairman. The director or his duly authorized representative shall serve as secretary to the board and shall be custodian of the minutes and records of the proceedings of the board. (Ord. #202-91, March 1991)

12-636. Quorum; majority vote of members present required for action. The presence of three members of the board of housing code appeals shall constitute a quorum, and the concurring vote of a majority of those members present shall be necessary to approve or modify any order, requirement or decision of the director or to decide in favor of either the director or the appellant on any matter upon which the board is required to pass or effect any modification. (Ord. #202-91, March 1991)

12-637. Adoption of rules and regulations; appeals to be heard in open meetings. The board of housing code appeals shall adopt such rules and regulations as it may deem necessary to conduct its business. The board, in open meeting, shall hear all appeals from decisions or rulings made by the director. (Ord. #202-91, March 1991)

12-638. Petition for hearing; when hearing to be held; notice to councilman. When it is claimed that the provisions of this chapter do apply or when it is claimed that the true intent and meaning of this chapter or any of the regulations hereunder have been misconstrued or wrongly interpreted or when the owner of any building or structure affected by an order which has been issued in connection with the enforcement of this chapter feels that he has just cause for an appeal, the owner of such building or structure or his duly authorized agent, may request and shall be granted a hearing before the board of housing code appeals; provided, that such person shall file in the office of the director a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the order was served.

Upon receipt of such petition, the director shall set a time and place for a hearing before the board in accordance with its rules and regulations and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such order should be modified. The hearing shall be commenced within a reasonable period after such notification and in no event less than ten (10) days nor more than thirty (30) days after the petition was filed. When any person affected by an order of the director makes an appeal to the board, the councilman of that person's district shall be notified of the appeal and the time and place of such hearing. (Ord. #202-91, March 1991)

12-639. Action by board; appeal to board stays imposition of penalty. The board of housing code appeals, after hearing the evidence presented, may sustain or modify the provisions of the order, depending upon its findings, so as to secure the intent and purpose of this chapter. Whenever such findings are made that strict compliance with this chapter or any order issued hereunder would impose undue or unreasonable hardship upon the owner or occupants of property affected, the board may modify the order and extend the time limit given in the order for compliance, and may further stipulate special conditions to be met by the owner as a prerequisite to such extension of time or modification of the order. If the board sustains or modifies such order it shall be deemed a final order unless appealed therefrom. No person or party in interest who has appealed the order of the director to the board in accordance to the provisions for appeal hereinabove set forth, shall be subject to any penalty for the violation of this chapter until the board has issued a final order sustaining or modifying the order of the director, with which final order the appellant refuses or fails to comply, and any appeal thereon is finally disposed of by a court of competent jurisdiction. (Ord. #202-91, March 1991)

12-640. Decisions to board to be recorded; same constitute public record. The findings and decisions of the board of housing code appeals shall be

summarized, reduced to writing, and entered as a matter of public record in the office of the director. (Ord. #202-91, March 1991)

12-641. Appeals to courts. Any person aggrieved by the decision of the board of housing code appeals or by an order of the director may seek relief therefrom in any court of competent jurisdiction, as provided by laws of the state. (Ord. #202-91, March 1991)

12-642. Fees for special services. (1) Special inspection fees. Whenever a request is made by any person for an inspection of property to determine whether it complies with the local Town of Dover Housing Code for any Federal Housing Administration or Veterans' Administration Loan Commitment, or any other request of a similar nature, involving preparation of a special report, an initial filing fee in the amount of fifty dollars (\$50.00) shall be paid to the Department of Codes Administration of the Town of Dover, which shall be paid at the time the request is made. If the structure fails to pass after the first inspection, an additional fee of twenty-five dollars (\$25.00) will be required for each succeeding inspection until such time as the structure has passed inspection. The above fee applies to residential buildings containing one (1) or two (2) dwelling units only. An additional fee of ten dollars (\$10.00) per unit shall be made for such structures exceeding two (2) units.

(2) Fees payable in advance and nonrefundable. All fees must be paid prior to any physical inspection of properties. Once any fee has been paid, it shall not be refundable for any reason whatsoever. This fee shall be for the purpose of defraying the costs of making an inspection, preparing a report, and to cover any related administrative costs involved. (Ord.# 202-91, March 1991)

CHAPTER 7

AMUSEMENT DEVICE CODE

SECTION

12-701. Amusement device code adopted.

12-702. Modifications.

12-701. Amusement device code adopted. The Standard Amusement Device Code, 1985 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the amusement device code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998)

12-702. Modifications. Within the amusement device code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the amusement device code shall be deemed to be the responsible official insofar as enforcing the provisions of the amusement device code are concerned. (as added by Ord. #260-98, Dec. 1998)

CHAPTER 8

EXISTING BUILDINGS CODE

SECTION

12-801. International existing buildings code adopted.

12-802. Modifications.

12-801. International existing buildings code adopted. The International Existing Buildings Code,¹ 2003 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the existing buildings code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998, and amended by Ord. #312-05, Oct. 2005)

12-802. Modifications. Within the existing buildings code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of the existing buildings code are concerned. (as added by Ord. #260-98, Dec. 1998)

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

CHAPTER 9

MECHANICAL CODE

SECTION

12-901. Mechanical code adopted.

12-902. Modifications.

12-901. Mechanical code adopted. The International Mechanical Code,¹ 2012 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the mechanical code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998, and amended by Ord. #272-01, Feb. 2001, Ord. #312-05, Oct. 2005, and Ord. #396-14, Oct. 2014)

12-902. Modifications. Within the mechanical code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned. (as added by Ord. #260-98, Dec. 1998)

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

CHAPTER 10

SWIMMING POOL CODE

SECTION

12-1001. Swimming pool code adopted.

12-1002. Modifications.

12-1001. Swimming pool code adopted. The Standard Swimming Pool Code, 1994 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the swimming pool code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998)

12-1002. Modifications. Within the swimming pool code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the swimming pool code shall be deemed to be the responsible official insofar as enforcing the provisions of the swimming pool code are concerned. (as added by Ord. #260-98, Dec. 1998)

CHAPTER 11

UNSAFE BUILDING ABATEMENT CODE

SECTION

12-1101. Unsafe building abatement code adopted.

12-1102. Modifications.

12-1101. Unsafe building abatement code adopted. The Standard Unsafe Building Code, 1985 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the unsafe building abatement code which are contrary to existing ordinances of the Town of Dover shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #260-98, Dec. 1998)

12-1102. Modifications. Within the unsafe building abatement code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dover who has the duties corresponding to those of the named official in the unsafe building abatement code shall be deemed to be the responsible official insofar as enforcing the provisions of the unsafe building abatement code are concerned. (as added by Ord. #260-98, Dec. 1998)

CHAPTER 12

ENERGY CODE

SECTION

12-1201. Energy code adopted.

12-1201. Energy code adopted. The International Energy Code, 2012 edition and all revisions thereof; and all amendments made by the State of Tennessee, is hereby adopted. (as added by Ord. #396-14, Oct. 2014)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED OR JUNK VEHICLES.
4. UNSAFE BUILDINGS--COMMERCIAL.
5. UNSAFE BUILDINGS--RESIDENTIAL.
6. MINIMUM PROPERTY MAINTENANCE PROCEDURES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.

13-101. Health officer. The "health officer" shall be the code official of the town. (1985 Code, § 8-404, as replaced by Ord. #342-08, Sept. 2008)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1985 Code, § 8-405, as replaced by Ord. #342-08, Sept. 2008)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

¹Municipal code references

Animals and fowls: title 10.

Littering streets, etc.: section 16-107.

Toilet facilities in beer places: section 8-213(12).

Wastewater treatment: title 18, chapter 2.

without treating it so as effectively to prevent the breeding of mosquitoes. (1985 Code, § 8-406, as replaced by Ord. #342-08, Sept. 2008)

13-104. Weeds. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any person, firm, or corporation owning, leasing, occupying, or having control or property within the corporate limits other than agricultural property, regardless of whether or not such property is vacant or contains structures thereon, to permit such property to become overgrown with obnoxious weeds, grass, brush, and other rank or obnoxious vegetation and/or to permit the accumulation thereon of trash, rubbish, refuse, and other noxious or deleterious matter, for such are hereby declared to be a public nuisance. The failure to cut and/or destroy such weeds, grass, brush, and other rank or noxious vegetation shall constitute a violation of this section, and shall be punishable under the general penalty cause of this code.

(2) Failure to remedy. Upon failure of any such person, firm, or corporation owning, leasing, occupying, or having control of such person, firm, or corporation owning, leasing, occupying, or having control of such property to cut and/or destroy such vegetation or to remove such accumulations of trash and refuse as described in this section, it shall be the duty of the codes official to give notice to the owner, lessee, occupier or person, firm or corporation having control of the property to immediately remedy the condition herein prohibited, and in the event such owner, lessee, occupier or person, firm, or corporation having control of the property shall fail or refuse to do so within ten (10) days after such notice, the town shall have the right to enter upon such property and cause such condition to be remedied or removed. Upon completion of such work the reasonable cost thereof, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith, shall be billed to the owner or owners of said property. If the bills is not fully paid within sixty (60) days after the mailing of said bill, a ten percent (10%) penalty shall be added, and it shall be placed on the tax roll of the Town of Dover as a lien upon the property and collection in the same manner as other town taxes are collected.

(3) Notice to violator. It shall be the duty of the codes official to serve notice upon any such person, firm, or corporation owning, leasing, occupying, or having control of such person, firm, or corporation owning, leasing, occupying, or having control of such property of violation in 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 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 § 13-104 of the Dover 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, plus fifteen percent (15%) for inspection and other incidental costs in connection to the clean-up. If the bill is not fully paid within sixty (60) days after the mailing of the bill, a ten percent (10%) penalty will be added and it will be placed on the tax roll of the Town of Dover as a lien against the property and collected in the same manner as other town taxes;

(b) The name of the building official, office, address, and telephone number given 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 where in the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Appeal. Any such person, firm, or corporation owning, leasing, occupying, or having control of such person, firm, or corporation owning, leasing occupying, or having control of such property who is aggrieved by the determination and order of the codes official may appeal the determination and order to the board of zoning appeals. The appeal shall be filed with the building official within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appear within this time shall, without exception, constitute a waiver of the right to a hearing. The board of zoning appeals shall have the final authority in these matters. (1985 Code, § 8-407, as replaced by Ord. #342-08, Sept. 2008)

13-105. 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 health officer and dispose of such animal in such manner as the health officer shall direct. (1985 Code, § 8-408, as replaced by Ord. #342-08, Sept. 2008)

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. (1985 Code, § 8-409, as replaced by Ord. #342-08, Sept. 2008)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) All such junk yards within one thousand (1,000) feet of any right-of-way within the municipality shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the right-of-way.

(4) Such yards shall be maintained as to be in a sanitary condition and so as to be a menace to the public health or safety. (1985 Code, § 8-409, as replaced by Ord. #342-08, Sept. 2008)

¹State law reference

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

CHAPTER 3

ABANDONED OR JUNKED VEHICLES

SECTION

13-301. Definitions.

13-302. Abandoned motor vehicles declared a public nuisance.

13-303. Removal of abandoned motor vehicles required.

13-304. Notification and authority.

13-305. Violations.

13-301. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Person." Any person, firm, organization, partnership, association, corporation or company of any kind.

(2) "Vehicle." Any machine propelled by other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck/trailer, motorcycle, tractor, mobile home, or motor home.

(3) "Property." Any real property within the Town of Dover which is not a street or highway.

(4) "Shall." The word "shall" is always mandatory and not merely directory.

(5) "Antique." Any vehicle over twenty-five (25) years old.

Exceptions:

(a) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(b) Any antique retained and maintained by the owner for collection purposes rather than for salvage or for transportation. Such vehicles shall be maintained in operable condition and at the discretion of the authority having jurisdiction be required to comply with subsection (c) below.

(c) Any junked vehicle kept within a building where it will not be visible from the street.

(d) Any junked motor vehicle on the premises of a business enterprise operated in strict compliance with all state and local zoning ordinances and when necessary to the operation of such business enterprise.

(e) Any junked motor vehicle in an appropriate storage place of depository maintained at a location officially designated and in a manner approved by the Town of Dover. (as added by Ord. #342-08, Sept. 2008)

13-302. Abandoned motor vehicles declared a public nuisance. In enacting this chapter, the Board of Mayor and Aldermen of the Town of Dover finds and declares that the accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on public or private property in the Town of Dover are in the nature of rubbish and unsightly debris, violates, in many instances, the zoning regulations of the town and constitutes a nuisance detrimental to the health, safety, and welfare of the community in that, such conditions tend to interfere with the enjoyment of and reduce the value of public and private property and create fire hazards and other safety and health hazards to the citizens of the Town of Dover. (as added by Ord. #342-08, Sept. 2008)

13-303. Removal of abandoned motor vehicles required. The accumulation and storage of one or more such motor vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the Town of Dover and it shall be the duty of the registered owner of such motor vehicle and it shall also be the duty of the person in charge or control of the property upon which such motor vehicle is located whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage or to have the vehicle housed within a building where it will not be visible from the street. (as added by Ord. #342-08, Sept. 2008)

13-304. Notification and authority. Whenever any such public nuisance exists on occupied or unoccupied commercial or residential, private or public, property with the Town of Dover, the owner or owners of said property shall be notified by the codes official to abate or remove the same. Such order shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required; and
- (4) Provide for compliance within five (5) days from the date of notification.

The notification shall be served upon the owner or owners of said premises by serving them personally or by sending said notice by certified mail, return receipt requested, to their address as shown on the current tax rolls of the Town of Dover. If the owner or owners of the premises fail or refuse to comply with the order of the codes official within a five (5) day period after notification thereof, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners of the premises fail or refuse to comply with the order to the codes official within a five (5) day period after thereof, as provided herein, the codes official may enter upon said property, take possession of such junk vehicle or vehicles, remove the same from said property, dispose of same, and cause such unlawful condition to be remedied. Upon completion of such removal and disposition, the reasonable

costs thereof, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith, shall be paid by the owner or owners of said property. If the bill is not fully paid within sixty (60) days after the mailing of said bill a ten percent (10%) penalty shall be added, and said costs and penalties shall be placed on the tax roll of the Town of Dover as a lien upon the property and collected in the same manner as other town taxes are collected. (as added by Ord. #342-08, Sept. 2008)

13-305. Violations. Any person violating or interfering with the enforcement of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this municipal code. (as added by Ord. #342-08, Sept. 2008)

CHAPTER 4

UNSAFE BUILDINGS--COMMERCIAL

SECTION

13-401. Unsafe buildings defined and prohibited.

13-402. Building inspector to give notice, may require building to be vacated, etc.

13-403. Owner to comply with notice.

13-404. Action by codes official when notice cannot be given or is not obeyed.

13-405. Emergency powers of codes official.

13-406. Owner to reimburse city for costs incurred.

13-407. Violations.

13-401. Unsafe buildings defined and prohibited. All commercial buildings or commercial structures within the Town of Dover which are or have been damaged by reason of fire, storm, flood, accident or other cause and are unsafe, unsanitary or not provided with adequate egress, or which in such condition constitute a fire hazard, or are otherwise dangerous to human life, or which constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, severally in contemplation of this chapter, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the requirements of this chapter. (as added by Ord. #342-08, Sept. 2008)

13-402. Building inspector to give notice, may require building to be vacated, etc. The codes official upon finding any building or structure or portion thereof to be unsafe, as defined in this chapter, shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time, which shall not be less than thirty (30) days from the date of notice, either to complete repairs or improvements specified or portion thereof. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the codes official. The codes official shall cause to be posted at each entrance to such building a notice: "This building is unsafe and its use or occupancy has been prohibited by the town codes official." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the town codes official, or for any person to enter the building except for the purpose of making the required repairs or for demolition of same. (as added by Ord. #342-08, Sept. 2008)

13-403. Owner to comply with notice. The owner or owners of any such unsafe building or structure are hereby required to complete the repairs or improvements or to demolish and remove the building or structure or portion thereof as specified in said notice and as required thereby. (as added by Ord. #342-08, Sept. 2008)

13-404. Action by codes official when notice cannot be given or is not obeyed. In case the owner, agent or person in control cannot be found within thirty (30) days from the date notice is issued, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the codes official, after having ascertained the costs, shall cause such building or structure or portion thereof, to be demolished, secured, or required to remain vacant. (as added by Ord. #342-08, Sept. 2008)

13-405. Emergency powers of codes official. In cases of emergency which, in the opinion of the codes official, involve imminent danger to human life or health, the codes official shall promptly cause such purpose and he may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way. (as added by Ord. #342-08, Sept. 2008)

13-406. Owner to reimburse city for costs incurred. All reasonable costs incurred by the Town of Dover under § 13-304 shall be paid by the owner or owners of said property, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith, shall be paid by the owner or owners of said property. If the bill is not fully paid within sixty (60) days after the mailing of said bill a ten percent (10%) penalty shall be added, and said costs and penalties shall be placed on the tax roll of the Town of Dover as a lien upon the property and collected in the same manner as other town taxes are collected. (as added by Ord. #342-08, Sept. 2008)

13-407. Violations. Any person, firm, corporation, or agent who shall violate provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor, and upon conviction of any such violation shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, or continued. (as added by Ord. #342-08, Sept. 2008)

CHAPTER 5

UNSAFE BUILDINGS--RESIDENTIAL

SECTION

13-501. Definitions.

13-502. Enforcement officer.

13-503. Standards to determine whether a structure or dwelling is unfit for human occupancy or use.

13-504. Procedure regarding residential dwellings or structures determined unfit for human occupancy or use.

13-505. Action of the codes official after the hearing.

13-501. Definitions. The terms as used in this part shall have the following meanings, unless the context otherwise requires:

(1) "Dwelling" means any residential building or residential structure or part thereof used for human occupation or intended to be so used. This includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Owner" means the holder of the title in fee simple and every mortgagee of record.

(3) "Parties in interest" means all individuals, associations, corporations and others who have interest in a dwelling or are in possession thereof.

(4) "Public authority" means any housing authority or officer who is in charge of any department or branch of the government of the Town of Dover or state relating to health, fire, building regulations or other activities concerning dwellings of the Town of Dover.

(5) "Structure" means any residential dwelling or vacant building or structure suitable as a dwelling or residential structure. (as added by Ord. #342-08, Sept. 2008)

13-502. Enforcement officer. The public charged with enforcing this section is the codes official. (as added by Ord. #342-08, Sept. 2008)

13-503. Standards to determine whether a structure or dwelling is unfit for human occupancy or use. The codes official may determine that a structure or dwelling is unfit for human occupancy or use if he finds that the conditions exist in such structure or dwelling are dangerous or injurious to the health, safety or morals of the occupants of such structure or dwelling, the occupants of neighboring structures or dwellings, or other residents of the Town of Dover. Such conditions may include but are not limited to the following:

(1) Defects therein increasing the hazards of fire, accident, or other calamity;

- (2) Lack of adequate ventilation, light or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair;
- (5) Structural defects; or
- (6) Uncleanliness. (as added by Ord. #342-08, Sept. 2008)

13-504. Procedure regarding residential dwellings or structures determined unfit for human occupancy or use. Whenever a petition is filed with the codes official by a public authority or by any five (5) residents of the Town of Dover charging that any residential structure or dwelling is unfit for human occupancy or use or whenever it appears to the codes official (on the codes official's own motion) that any structure or dwelling is unfit for human occupancy or use, the codes official shall, if his preliminary investigation discloses a basis for such charge, issue and cause to be served upon the owner or parties in interest of such structure or dwelling a complaint stating the charges and containing a notice that a hearing will be held before the codes official at a place therein fixed not less than ten (10) days or more than thirty (30) days after serving the complaint. The time frames may be shortened at the discretion of the codes official in the event of an emergency. The owner and parties of interest shall be given the right to file an answer to the complaint and to appear in person or otherwise to give testimony at the time and place set forth in the complaint. The rules of evidence prevailing in court of law or equity shall not be controlling in hearing before the codes enforcement officer. (as added by Ord. #342-08, Sept. 2008)

13-505. Action of the codes official after the hearing. If, after such notice and hearing, the codes official determines that a structure or dwelling under consideration is unfit for human occupancy or use, the codes official shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner an order:

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

(2) If the repair, alteration or improvement of the structure or dwelling cannot be made at a reasonable cost in relation to the value of the structure or dwelling requiring the owner to remove or demolish such structure or dwelling within the time specified in the order. (as added by Ord. #342-08, Sept. 2008)

CHAPTER 6

MINIMUM PROPERTY MAINTENANCE PROCEDURES

SECTION

- 13-601. International property maintenance code adopted.
- 13-602. Property maintenance code section 101.1.
- 13-603. Property maintenance code section 103.2.
- 13-604. Property maintenance code section 106.4.
- 13-605. Property maintenance code section 302.4.
- 13-606. Property maintenance code section 304.14.
- 13-607. Property maintenance code section 602.3.
- 13-608. Property maintenance code section 602.4.
- 13-609. Modifications.

13-601. International property maintenance code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of securing the public health, safety and general welfare through structural strengths, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses and buildings, structures or other premises used as such, the International Property Maintenance Code, 2006 edition published by the International Code Council is hereby adopted and incorporated herein by reference as a part of the ordinances of the Town of Dover along with any subsequent amendments to the International Property Maintenance Code. This code shall hereinafter be known as property maintenance code. It is adopted and subject to the changes and additions set forth herein. (as added by Ord. #342-08, Sept. 2008)

13-602. Property maintenance code section 101.1. Shall be amended to insert "Town of Dover, Tennessee" as the name of the jurisdiction. (as added by Ord. #342-08, Sept. 2008)

13-603. Property maintenance code section 103.2. Appointment is stricken in its entirety and replaced as follows:

Appointment: The code official shall be appointed by the town administrator and can be removed from office with or without cause. (as added by Ord. #342-08, Sept. 2008)

13-604. Property maintenance code section 106.4. Violation penalties is stricken in its entirety and replaced as follows:

Violation penalties. Any person who shall violate a provision of this code or fail to comply therewith or any of the requirements thereof shall be prosecuted within the limits provided by state or local laws and may be penalized pursuant to the general penalty clause of the Town of Dover. Each

day that violations continue after due notice has been served be deemed a separate offense regardless of whether an additional citation has been issued. If the town must resort to equitable relief to abate a violation, the violator should be liable to the town for the town's reasonable attorney's fees and litigation expenses in bringing and prosecuting the equitable action. (as added by Ord. #342-08, Sept. 2008)

13-605. Property maintenance code section 302.4. Shall be amended to insert "eight (8) inches" as the height that weeds can grow in the Town of Dover. (as added by Ord. #342-08, Sept. 2008)

13-606. Property maintenance code section 304.14. Shall be amended to insert "January 1 to December 31" to be the period for insect screens in doors, windows, and other outside openings. (as added by Ord. #342-08, Sept. 2008)

13-607. Property maintenance code section 602.3. Shall be amended to insert "January 1 to December 31" to be the period to maintain a habitable temperature in buildings. (as added by Ord. #342-08, Sept. 2008)

13-608. Property maintenance code section 602.4. Shall be amended to insert "January 1 to December 31" to be the period to maintain a habitable temperature in work spaces. (as added by Ord. #342-08, Sept. 2008)

13-609. Modifications. Any matters in the International Property Maintenance Code which are contrary to existing ordinances of the Town of Dover shall prevail and all ordinances in conflict are hereby amended to comply with the provisions of this chapter and to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #342-08, Sept. 2008)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, section 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure.

(1985 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13.

(1985 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Dover shall be governed by Ordinance Number 173-88, titled "Zoning Ordinance of Dover, Tennessee," and any amendments thereto.¹

¹Ordinance No. 173-88, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. RULES OF THE ROAD.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic control signs, etc.
- 15-109. General requirements for traffic control signs, etc.
- 15-110. Unauthorized traffic control signs, etc.
- 15-111. Presumption with respect to traffic control signs, etc.
- 15-112. School safety patrols.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, section 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, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-122. Driving under the influence.
- 15-123. Damaging pavements.
- 15-124. Following too closely.
- 15-125. Leaving the scene of accidents involving damage to vehicle.
- 15-126. Use of off-highway motor vehicles on highways.
- 15-127. Offense and penalties for overtaking and passing stopped school bus.
- 15-128. Offense of unauthorized use of blue flashing emergency lights on motor vehicles.
- 15-129. Offense of failure to use crash helmet.
- 15-130. Careless driving.
- 15-131. Compliance with financial responsibility required.

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. (1985 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. (1985 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. (1985 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. (1985 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 town 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. (1985 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. (1985 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. (1985 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 town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1985 Code, § 9-113)

¹Municipal code reference

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: sections 15-505--15-509.

15-109. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,¹ published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1985 Code, § 9-114)

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. (1985 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 town 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. (1985 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. (1985 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. (1985 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any

¹This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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. (1985 Code, § 9-120)

15-115. 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. (1985 Code, § 9-121)

15-116. 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. (1985 Code, § 9-122)

15-117. 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. (1985 Code, § 9-123)

15-118. 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. (1985 Code, § 9-124)

15-119. 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." (1985 Code, § 9-125)

15-120. 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. (1985 Code, § 9-126)

15-121. 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 capacity that does not 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. (1985 Code, § 9-127)

15-122. Driving under the influence. See Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307. (1985 Code, § 9-108)

15-123. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or tracks is likely to damage the surface or foundation of the street. (1985 Code, § 9-119)

15-124. Following too closely. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter

and occupy such space without danger. This provision does not apply to funeral processions.

(4) No motor truck of more than one and one-half (1 ½) ton rate capacity shall approach any other motor truck of like or greater capacity proceeding in the same direction on any of the highways of this state without the corporate limits of any municipality at a distance nearer than three hundred (300'), except in overtaking and passing such other trucks, or unless one (1) or both of such trucks shall have come to a stop or except in rendering assistance to a disabled or partly disabled truck.

(5) A violation of this section is punishable by a fine not to exceed fifty (\$50.00) dollars. (Reference Tennessee Code Annotated, § 55-8-124). (as added by Ord. #249-98, May 1998)

15-125. Leaving the scene of accidents involving damage to vehicle. The driving of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene or such accident until that person has fulfilled the requirements of Tennessee Code Annotated, § 55-10-103. Every such stop shall be made without obstructing traffic more than is necessary. The requirements of this subsection apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises which are general frequented by the public at large. A violation of this section is punishable by a fine not to exceed fifty (\$50.00) dollars. (Reference Tennessee Code Annotated, § 55-10-102(a)). (as added by Ord. #250-98, May 1998)

15-126. Use of off-highway motor vehicles on highways. (1) Off-highway motor vehicles defined in Tennessee Code Annotated, § 55-3-101 (c) (2) may be operated or driving upon a highway but only as follows:

(a) On a two-lane highway, only to cross such highway at an angle of approximately ninety degrees (90) to the direction of the roadway at a place where quick and safe crossing may be made;

(b) With respect to the crossing of a highway having more than two (2) lanes, or a highway having limited access, such off-highway motor vehicles may cross such highways, but only at a place designated by the department of transportation or local government authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles, or specified types of motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner; and

(2) Off-highway, motor-driven cycles defined in Tennessee Code Annotated, § 55-3-101 (c) (2) may be moved, by nonmechanical means only, adjacent to a roadway, in such manner so as to not interfere with traffic upon

the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available. The department or local government authority may designate access routes leading to off-highway parks as suitable for the operation of off-highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel. A violation of this section is punishable by a fine not to exceed fifty (\$50.00) dollars. (Reference Tennessee Code Annotated, § 55-8-185). (as added by Ord. #251-98, May 1998)

15-127. Offense and penalties for overtaking and passing stopped school bus. The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching such school bus, and the driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. The provisions of this section shall also apply to a school bus with lights flashing and stop sign extended and marked in accordance with Tennessee Code Annotated, § 55-8-151 that is stopped upon property owned, operated, or used by a school or educational institution, if such bus is stopped for the purpose of receiving or discharging any school children outside a protected loading zone. A violation of this section is punishable by a fine not to exceed fifty (\$50.00) dollars. (Reference Tennessee Code Annotated, § 55-8-151 (a) (1)). (as added by Ord. #252-98, May 1998)

15-128. Offense of unauthorized use of blue flashing emergency lights on motor vehicles. It is unlawful for anyone to install, maintain or exhibit blue flashing emergency lights or blue flashing emergency lights in combination with red flashing emergency lights, except full-time, salaried, uniformed law enforcement officers of the state, county, or city and municipal governments of the state, and commissioned members of the Tennessee bureau of investigation when their official duties so require as defined by Tennessee Code Annotated, § 38-8-106 and § 38-8-107. A violation of this section is punishable by a fine not to exceed fifty (\$50.00) dollars. (Reference Tennessee Code Annotated, § 55-9-414 (a) (1)). (as added by Ord. #253-98, May 1998)

15-129. Offense of failure to use crash helmet. (1) The driver of a motorcycle, motorized bicycle as defined by Tennessee Code Annotated, chapter 8, or motor-driven cycle and any passenger thereon shall be required to wear a crash helmet of a type approved by the commissioner of safety.

(2) This section does not apply to persons riding within an enclosed cab or to golf carts. A violation of this section is punishable by a fine not to exceed fifty (\$50.00) dollars. (Reference Tennessee Code Annotated, § 55-9-302 (a) (b)). (as added by Ord. #254-98, May 1998)

15-130. Careless driving. (1) Any person who operates a vehicle at a speed and/or in a manner so as to endanger or be likely to endanger any person or property commits the offense of careless driving.

(2) A violation of this section is punishable by a fine not to exceed fifty (\$50.00) dollars. (as added by Ord. #261-99, April 1999)

15-131. 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 1997, 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 (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city'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. (as added by Ord. #283-02, June 2002)

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. (1985 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(2) 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.

(3) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(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. (1985 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
section 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1985 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1985 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. (1985 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. (1985 Code, § 9-202)

15-303. In school zones. Pursuant to Tennessee Code Annotated, section 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1985 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the town. (1985 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1985 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1985 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1985 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1985 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1985 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, sec. 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

15-501. Upon approach of authorized emergency vehicles.

15-502. When emerging from alleys, etc.

15-503. To prevent obstructing an intersection.

15-504. At "stop" signs.

15-505. At "yield" signs.

15-506. At traffic control signals generally.

15-507. At flashing traffic control signals.

15-508. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1985 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1985 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1985 Code, § 9-403)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1985 Code, § 9-404)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1985 Code, § 9-405)

15-506. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1985 Code, § 9-406)

15-507. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (1985 Code, § 9-407)

15-508. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1985 Code, § 9-408)

¹State law reference

Tennessee Code Annotated, section 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (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 district¹ 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. (1985 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1985 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

¹Municipal code reference
Fire district: section 7-101.

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. (1985 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the town, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the town. (1985 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1985 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1985 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1985 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. (1985 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1985 Code, § 9-603, modified)

¹Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 1.

State law reference

Tennessee Code Annotated, section 7-63-101 et seq.

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, 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 issued 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. (1985 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109. (1985 Code, § 9-605)

15-706. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking violations excluding handicapped parking. For parking violations, excluding handicapped parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the Dover City Court 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 ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be fifteen dollars (\$15.00).

(b) Handicapped parking. Parking in a handicapped parking space shall be punished by a civil penalty of one hundred dollars (\$100.00). (as amended by Ord. #347-08, Oct. 2008)

CHAPTER 8

RULES OF THE ROAD

SECTION

15-801. Adoption of state traffic statutes.

15-801. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the Town of Dover adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the Town of Dover adopts Tennessee Code Annotated, §§ 55-4-101 through 55-4-128, §§ 55-4-130 through 55-4-133, §§ 55-4-135 through 55-4-136, §§ 55-8-181 through 55-8-191, § 55-8-193, § 55-8-199, § 55-8-207, § 55-9-402, §§ 55-9-601 through 55-9-606, § 55-12-139, § 55-21-108, and § 55-50-351, by reference as if fully set forth in this section. (as added by Ord. #330-07, July 2007, and replaced by Ord. #385-13, Sept. 2013, and Ord. #422-18, April 2018)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. ROADWAY CONSTRUCTION.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Athletic and/or recreational equipment in public right-of-way.
- 16-114. Skateboards etc. on public property.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1985 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1985 Code, § 12-202)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1985 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1985 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1985 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1985 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1985 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1985 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1985 Code, § 12-209)

16-110. 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

¹Municipal code reference
Building code: title 12, chapter 1.

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. (1985 Code, § 12-210)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1985 Code, § 12-211)

16-112. 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. (1985 Code, § 12-212)

16-113. Athletic and/or recreational equipment in public right-of-way. (1) No athletic, gaming or recreational equipment shall be placed, erected or maintained on or alongside the right of way of any public street within the municipal limits of the Town of Dover, Tennessee so as to allow a person of persons to be within five (5) feet of said street or within the said street while using or participating with such equipment. The placement of any athletic or recreational equipment within in a public right of way or the presence of persons within a public street using or enjoying said equipment shall be a violation of this section.

(2) Athletic and/or recreational equipment shall be defined but not limited to: basketballs or basketball goals, soccer or soccer goals, picnic equipment, including tables and grills, football markings and goal post, baseball marking backstops including bases and any other equipment of an athletic or recreational nature.

(3) A first violation of this section shall result in a warning to those found in violation of the terms of this section with instructions to remove said equipment from the are which has caused the violation.

(4) After a first violation and the issuance of a warning, any subsequent violation within a twelve (12) month period from the date of the first violation shall be punishable by a fifty (\$50.00) dollar fine. (as added by Ord. #316-06, June 2006)

16-114. Skateboards etc. on public property. (1) It shall be unlawful for any person to use roller skates, coasters, skateboards or any similar vehicle or toy or article on wheels or a runner on any public street, roadway, alley,

sidewalk or other public building or public place, except in such areas as may be specifically designated for such purposes by the town.

(2) It shall also be unlawful for any person to use roller skates, coasters, skateboards or any similar vehicle or toy article on wheels or a runner on any area that is posted prohibiting such use or where permission for such use has not been given.

(3) It shall also be unlawful for any person to allow any minor under his or her control to violate any part of this section.

(4) Any person found to be in violation of this section shall be subject to a fine of no more than fifty dollars (\$50.00), for each offense. (as added by Ord. #324-06, Jan. 2007)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts 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 town recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1985 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the town recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hours of its filing.
(1985 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) feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) 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. (1985 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of twenty-five (\$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 town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.
(1985 Code, § 12-104)

16-205. Safety restrictions on excavations. 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. (1985 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 town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

town recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1985 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 town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1985 Code, § 12-107)

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 town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the town recorder. (1985 Code, § 12-108)

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1985 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. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1985 Code, § 12-110)

CHAPTER 3

ROADWAY CONSTRUCTION

SECTION

16-301. Procedure.

16-302. General requirements and minimum standards of design.

16-303. Minimum standards for construction of new roads or streets.

16-301. Procedure. The procedure for proposed roadway construction shall consist of 3 separate steps. The initial step is the preparation and submission to the building official of a Preliminary Sketch Plat of the roadway route. The sketch should include the following information for review by the building official prior to presenting a recommendation to the planning commission.

(1) Preliminary sketch plat.

(a) The name(s) and address(es) of the owner or owners, and the name of the designer of the plat.

(b) Date, approximate north point and graphic scale.

(c) The location of existing and platted property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classification, if any, on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.

(d) Plans of proposed utility layouts (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the town or county health department.

(e) The proposed street names, and the locations and dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines and utilities.

(2) Presentation to planning commission. The second step is presentation of the preliminary sketch to the planning commission including all recommendations by the building official so noted upon the plat.

(3) Copy to be placed on file. Following the approval of this preliminary sketch plat including all recommendations so noted by the planning commission, a copy of the final plat together with required certificates and documents shall be placed on file with the building official to be used for verification and on-sight inspection during construction.

(4) Plat of roadway or easement. No plat of a deeded roadway or easement shall be filed or recorded by the county register without having first

been inspected by the building official and approved by the planning commission. (Ord. # 196-90, June 1990)

16-302. General requirements and minimum standards of design.

(1) Conformity to the thoroughfare plan. The location and width of all streets and roads shall conform to the official thoroughfare plan.

(2) Relation of adjoining street system. The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than required minimum width.

(3) Streets widths. The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the thoroughfare plan, or if not shown on such plan, shall be not less than as follows:

- (a) Arterial streets and highways 80 to 150 feet as may be required
Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the thoroughfare plan.
- (b) Collector Streets 60 feet
Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways.
- (c) Major residential streets 50 feet
Major residential streets are principal entrance streets of a residential development and streets for major circulation within such development.
- (d) Minor residential streets 50 feet
Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.
- (e) Marginal access streets 50 feet
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- (f) Dead-end streets (cul-de-sac) 50 feet
Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.
- (g) Alleys 20 feet
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements. Through proposed neighborhood or local business areas the street widths

shall be increased ten (10) feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interference to traffic.

(4) Additional width on existing streets. Subdivisions or developments that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

(a) The entire right-of-way shall be provided where any part of the subdivision or development is on both sides of the existing street.

(b) When the subdivision or development is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

(5) Restriction of access. When a tract fronts on an arterial street or highway, the planning commission may require such lots to be provided with frontage on a marginal access street.

(6) Vertical curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical, may be required by the planning commission.

(7) Intersections. Street intersections shall be as nearly at right angles as is possible.

(8) Dead-end streets. (a) Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet or the planning commission may approve an alternate design.

(b) Where, in the opinion of the building official, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet.

(9) Private streets and reserve strips. There shall be no private streets in any subdivision. Every lot in subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.

(10) Street names. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenues, boulevard, drive, way, place or court. Through its index list of street names on file the planning commission can assist the developer in avoiding duplication.

(11) Alleys. Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the developer produces evidence satisfactory to the planning commission of the need for alleys. (Ord. # 196-90, June 1990)

16-303. Minimum standards for construction of new roads or streets.

(1) Monuments. (a) Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

(b) All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

(2) Grading. All streets, roads and alleys shall be graded to their full right-of-way by the subdividers so that pavements and swales can be constructed to the required cross sections. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the building official. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

(a) Preparation: Before grading is started the entire right-of-way area shall have removed all stumps, roots, brush and other objectionable materials including all trees not intended for preservation.

(b) Cuts: All boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.

(c) Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed

twelve (12) inches loose and compacted. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

(3) Storm drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than sixteen (16) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road-bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the road-bed.

(4) Minimum road-bed widths.

- (a) Arterial streets and highways as may be required; not usually paved by developer.
- (b) Collector streets. 36 feet
- (c) Major residential streets.. . . . 36 feet
- (d) Minor residential streets. 30 feet
- (e) Marginal access streets.. . . . 30 feet
- (f) Dead-end streets. (cul-de-sac) 30 feet

(5) Pavement base. After preparation of the subgrade, the road-bed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one-half (2 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than four (4) inches.

(6) Finished road surface. A bituminous prime coat shall then be applied uniformly over the surface of the base. The prime coat shall be applied at a rate of three-tenths (3/10) gallon per square yard, using cut-back asphalt or refined tar. This shall be immediately covered with crushed stone (# 8 chips) evenly spread at a rate of not less 10 pounds per square yard. (Ord. # 196-90, June 1990)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE.
2. SOLID WASTE PICKUP.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Disturbing containers.
- 17-105. Restrictions on disposal.
- 17-106. Refuse disposal and fees subject to regulation; penalty for violations.
- 17-107. Individual household charges.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1985 Code, § 8-101)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1985 Code, § 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the Town of Dover where refuse accumulates or is likely to accumulate shall provide and keep covered an adequate number of refuse containers. Said containers shall not be emptied within the town limits except in designated town containers located within the town limits. (1985 Code, § 8-103)

17-104. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into or turn over or in any manner disturb any garbage containers of another or the garbage collection containers located at the various sites within the town. (1985 Code, § 8-104)

17-105. Restrictions on disposal. It shall be unlawful for any person to dispose of refuse at any place other than a refuse disposal container designated and provided by the board of mayor and aldermen. Refuse disposal sites shall be available for the use of all occupants of residences located within the town limits. No refuse from commercial businesses shall be deposited in said town containers.

All refuse shall be deposited within the containers and no refuse shall be deposited outside said containers. If a container is filled, users shall take their refuse to another container located in the town. (1985 Code, § 8-105)

17-106. Refuse disposal and fees subject to regulation; penalty for violations. Removal and disposal of refuse shall be subject to reasonable rules and regulations and disposal fees as determined by the board of mayor and aldermen.

Any person violating or failing to comply with any provision of this chapter or lawful regulations adopted by the board of aldermen shall be subject to a penalty imposed pursuant to the general penalty provision of this code. (1985 Code, § 8-106)

17-107. Individual household charges. (1) Each household located within the municipal limits of the Town of Dover, Tennessee shall be charged the monthly residential rate as determined by the contract for the collection and removal of residential solid waste.

(2) Those persons residing within the town that qualify for property tax relief from the State of Tennessee shall have their monthly charge for the collection of solid waste reduced by fifty percent (50%). This reduction shall become effective upon the date of qualification and in no instance shall it be retroactive. (Ord. #217-92, Oct. 1992)

CHAPTER 2

SOLID WASTE PICKUP

SECTION

- 17-201. Definitions.
- 17-202. Contracting.
- 17-203. [Deleted.]
- 17-204. Collection.
- 17-205. [Deleted.]
- 17-206. Municipality representative.
- 17-207. Commercial pickup.

17-201. Definitions. (1) "Residence." A detached, single-family structure designed or intended for occupancy by one person or by one family. Each trailer in a non-containerized area shall be deemed a residence, each pad space shall be deemed a single-family structure.

(2) "Commercial housing facility." A structure or grouping of structures, apartment complexes or a mobile home park which contains more than four dwelling units.

(3) "Residential housing facility." A single structure containing four housing units or less and not operated as part of commercial housing facility.

(4) "Industrial." Establishment generating waste, accumulation of metal, metal products, minerals, chemicals, rock, cement, asphalt, tar, oil, grease, glass, crockery, rubber, tires, bottles, cans, lumber, sawdust, waste from animal packing, slaughter houses or other materials usually created by industrial enterprises.

(5) "Garbage." All waste, food, paper, glass, plastic, leather, textiles, cans, and/or other materials normally associated with common household waste.

(6) "Trash." (a) The accumulation of lawn, grass, shrubbery, cuttings, tree leaves, small tree branches, brushes, fruits or any other matter usually created as refuse in the care of lawns, yards and gardens.

(b) White goods consisting of discarded refrigerators, stoves, water heater and other appliances.

(c) Furniture and other general household debris not included in the definition of garbage or in the following exclusion from the definition of trash.

(d) Those items not included in the definition of trash under this section shall include, but shall not be limited to, industrial waste, hazardous materials or construction or demolition waste.

(e) Hazardous materials is waste that is hazardous by reason of their pathological, explosive, radiological, or toxic characteristics.

(f) Special materials mean those bulky materials or other special waste that are not stored in standard storage containers and cannot be picked up by a normally used collection vehicle.

(g) Approved solid waste shall mean garbage, horticultural material, hazardous materials and special materials. (Ord. #208-91, Oct. 1991)

17-202. Contracting. The municipality shall contract with a solid waste disposal company or individual for the residential pick-up of refuse as hereinbefore defined. By contract, municipality and the contractor shall set the rates, times and modes of collection. (Ord. 208-91, Oct. 1991)

17-203. [Deleted.] (Ord. # 208-91, Oct. 1991, as deleted by Ord. #246-97, March 1997)

17-204. Collection. The municipality, as a service to the franchisor, shall bill and collect the payments for residential garbage pickup. (Ord. 208-91, Oct. 1991)

17-205. [Deleted.] (Ord. # 208-91, Oct. 1991, as deleted by Ord. #246-97, March 1997)

17-206. Municipality representative. The city manager shall be the contractor representative with the franchisor. (Ord. # 208-91, Oct. 1991)

17-207. Commercial pickup. Collection and removal of solid waste at commercial and industrial locations shall be the sole responsibility of the individual business owner. (Ord. # 208-91, Oct. 1991, as replaced by Ord. #246-97, March 1997)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWERS.
2. SEWER USE ORDINANCE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. ANIMAL AND VEGETABLE FATS, OILS, AND GREASE, AND SOIL/SAND AND LINT TRAPS AND INTERCEPTORS.

CHAPTER 1

WATER AND SEWERS

SECTION

- 18-101. Creation of a water department.
- 18-102. Creation and duties of a water commission.
- 18-103. Members of the water commission.
- 18-104. Rules and regulations for the operation of the water department.
- 18-105. Contracts for water service.
- 18-106. Consumer's failure to comply with rules and regulations.
- 18-107. Water rates.
- 18-108. Sewer rates.
- 18-109. Billing.
- 18-110. Defective meters; water and sewer bill adjustments.
- 18-111. Water tapping fees.
- 18-112. Sewer tapping fees.
- 18-113. Meter deposits.
- 18-114. Charges for services.
- 18-115. Rates for water sold at the municipal fire hall.
- 18-116. Deposits.
- 18-117. Approval of water lines, extensions.
- 18-118. Service termination and reconnection.
- 18-119. Water meters and service lines.
- 18-120. Inspections.

¹Municipal references

Building, utility and housing codes: title 12.

Cross connections: title 18.

Refuse disposal: title 17.

Wastewater treatment: title 18.

- 18-121. Fluoridation of water supply.
- 18-122. Violations and penalties.
- 18-123. Utility extensions and new developments.

18-101. Creation of a water department. There is hereby created a water department to be known as the "Water Department of the Town of Dover, Tennessee." (1985 Code, § 13-101)

18-102. Creation and duties of a water commission. There is hereby created a "Water Commission of the Town of Dover," hereinafter known as the water commission, which shall have supervision and control over the water department. It shall be the duty of said water commission to operate the water department in compliance with the rules and regulations promulgated by the board of mayor and aldermen. (1985 Code, § 13-102)

18-103. Members of the water commission. The water commission shall be composed of the board of mayor and aldermen. (1985 Code, § 13-103, modified)

18-104. Rules and regulations for the operation of the water department. The water commission shall be authorized to adopt such rules and regulations as may be necessary to effectively carry out the provisions of this Chapter and to effectively and economically operate the waterworks system. (1985 Code, § 13-104)

18-105. Contracts for water service. The water commission is empowered to enter into contracts with consumers for the furnishing of water. Provided further, no water, water service, or sewer service shall be furnished or rendered free of charge to any person, firm, corporation, or to the town, and no unmetered water service shall be furnished to any person, firm, corporation, or to the town. A separate water meter and connection shall be required for each residential or commercial unit receiving water service. (1985 Code, § 13-105)

18-106. Consumer's failure to comply with rules and regulations. Any consumer who fails to comply with the rules and regulations governing the operation of the water department shall be subject to having his water supply discontinued. (1985 Code, § 13-106)

18-107. Water rates.

Water base rate for customers inside the city limits
with no volumes included

\$14.00

Change 5, May 9, 2016 18-3

Water base rate for customers outside the city limits
with no volumes included \$15.00

Water base rate for industrial customers with no volumes included \$56.00

Rate per 1,000 gallons of water used for all customer inside city limits \$7.71

Rate per 1,000 gallons of water used for all customer outside city
limits \$14.07

Rate per 1,000 gallons of water used for industrial customers \$14.07

(Ord. # 203-91, Aug. 1991, as amended by Ord. #265-99, Aug. 1999, Ord. #284-02, July 2002, Ord. #291-03, July 2003, Ord. #317-06, June 2006, Ord. #325-07, March 2007, Ord. #332-07, July 2007, Ord. #356-09, Jan. 2010, and Ord. #373-12, April 2012, and replaced by Ord. #400-15, July 2015)

18-108. Sewer rates.

Sewer base rate for customers inside the city
limits with no volumes included \$14.00

Sewer base rate for industrial customers with no volumes included \$78.40

Rate per each 1,000 gallons of sewer used for all customer
(inside, industrial) \$14.07

Rate per each 1,000 gallons of sewer used for industrial customers \$14.00

(Ord. #203-91, Aug. 1991, as amended by Ord. #265-99, Aug. 1999, Ord. #284-02, July 2002, Ord. #291-03, July 2003, Ord. #317-06, June 2006, and Ord. #373-12, April 2012, and replaced by Ord. #400-15, July 2015)

18-109. Billing. All water meters will be read when feasible, and billings will be on a calendar month basis. All bills will be due and payable at the water office ten (10) days after billing date. A ten percent (10%) penalty will be charged on all accounts not paid within the ten (10) day period. Service will be subject to termination after an account becomes ten (10) days delinquent. (Ord. #203-91, Aug. 1991)

18-110. Defective meters, water and sewer bill adjustments. Any adjustment to a water or sewer bill will be approved by the city administrator or his designee. A comprehensive adjustment policy shall be developed by the city administrator and approved by the board of mayor and aldermen. No

adjustments shall be made outside the provisions of the adjustment policy unless specifically approved by the board of mayor and aldermen. (Ord. #203-91, Aug. 1991, as amended by Ord. #291-03, July 2003, and Ord. #317-06, June 2006)

18-111. Water tapping fees.

- 3/4" meter \$1,000.00 plus the cost of necessary materials and any necessary contract labor or services
- 1" meter \$1,800.00 plus the cost of necessary materials and any necessary contract labor or services
- 2" meter \$3,000.00 plus the cost of necessary materials and any necessary contract labor or services

Larger taps will be priced by the water department on a cost plus basis and will include a four thousand dollar (\$4,000.00) access fee.

All meters two inches (2") and larger will be compound meters.

In no instance will water service be provided to any property that from one (1) side of the public road or the other is not accessible to a water main. Nor will any water service be provided where the service meter cannot be installed on the property of the customer. (Ord. #203-91, Aug. 1991; as amended by Ord. #227-94, Sept. 1994, Ord. #258-98, Nov. 1998, Ord. #317-06, June 2006, and Ord. #373-12, April 2012, and replaced by Ord. #400-15, July 2015)

18-112. Sewer tapping fees.

- Single family residential (4" taps or grinder pump) \$3,000.00 plus the cost of necessary materials and any necessary contract labor or services.
- All other 4" taps or grinder pump \$3,000.00 plus the cost of necessary materials and any necessary contract labor or services.
- 6" taps or grinder pump \$5,000.00 plus the cost of necessary materials and any necessary contract labor or services.

Larger taps will be priced by the sewer department on a cost plus basis and will include a \$6,000.00 access fee. (Ord. #203-91, Aug. 1991, as amended by Ord. #258-98, Nov. 1998, Ord. #317-06, June 2006, and Ord. #373-12, April 2012, and replaced by Ord. #400-15, July 2015)

18-113. Meter deposits. Meter deposits will no longer be charged. All deposits that are now maintained with the Dover Water and Sewer Department will remain as such until the owner of said deposit no longer occupies the location the deposit was collected for. (Ord. #203-91, Aug. 1991, as replaced by Ord. #258-98, Nov. 1998)

18-114. Charges for services. For services rendered by the Dover Water and Sewer Department the schedule of charges will be as follows:

New account charge	\$ 25.00
Transferring from one location to another	\$ 25.00
Turning off water and reading out meter	\$ 25.00
Turning on water and reading in meter	\$ 25.00
Turning off water for non-payment and turning on after collection of payment	\$ 50.00
Removing the meter and re-installing the meter when caused by an act of the customer and not necessitated by the water department	\$100.00

(Ord. #203-91, Aug. 1991, as replaced by Ord. #258-98, Nov. 1998, and amended by Ord. #373-12, April 2012, and Ord. #382-13, Feb. 2013, and replaced by Ord. #400-15, July 2015)

18-115. Rates for water sold at the municipal fire hall. For all water sold at the municipal fire hall the rates will be the same as the wholesale rate. (Ord. #203-91, Aug. 1991, as replaced by Ord. #373-12, April 2012)

18-116. Deposits. All customers of the Town of Dover, Tennessee Water and Sewer System that are occupants of rental property shall maintain a deposit of one hundred fifty dollars (\$150.00). Said deposit shall be refundable when the customer ceases to be a customer and all outstanding charges have been paid in full. This deposit is in addition to other fees charged by the water and sewer department. (Ord. # 203-91, Aug. 1991, as deleted by Ord. #317-06, June 2006, and replaced by Ord. #382-13, Feb. 2013)

18-117. Approval of water lines, extensions. Any water line installed must have the approval of the board of mayor and aldermen and the Tennessee Department of Public Health.

All extensions of the water or sewer system will be subject to the provisions of this chapter, Ord. # 157-86 and any other guidelines and regulations established by the Dover Water Department. (Ord. #203-91, Aug. 1991)

18-118. Service termination and reconnection. If any bill for water and/or sewer service remains past due and unpaid after the period provided for in section 18-109 or for a violation of this chapter or the customer's application for service, the town shall have the right to discontinue water service.

Such right to discontinue service shall apply to all service rendered through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already

received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision.

Whenever service has been discontinued, a reconnection charge of twenty-five dollars (\$25.00) shall be collected by the town before service is restored. (1985 Code, § 13-112, as amended by Ord. #258-98, Nov. 1998)

18-119. Water meters and service lines. (1) Every residence shall have only one (1) water meter; that is to say, no two residences shall be served by one (1) meter. All commercial or business water connections shall serve only one (1) building, except in cases where more than one building operated as a business unit by the same owners and managers, in which case several buildings may be served by the same water connection.

(2) No plumber or other person shall do work in connection with the water department or cut off or on water without the consent of the water department, except in cases where damage is being done by broken or frozen fixtures.

(3) No reduction for vacancies will be allowed. So long as the water is on, the property owner will stand on the books as a consumer, and no rebates shall be allowed for a portion of any month.

(4) It shall be unlawful for any person, firm, or corporation to use water from the mains without first applying to the water department and receiving a permit to use same and paying all delinquent water charges.

(5) It shall be unlawful for any person or persons to tamper with or change any water meter.

(6) In all instances the meter size and the sewer tap size shall be determined by the water and sewer department. (1985 Code, § 13-115, as amended by Ord. #317-06, June 2006)

18-120. Inspections. The water department is hereby empowered to enter upon private property for the purpose of making an inspection, tests, securing samples and doing any and all other things necessary for the operation of said water system. (1985 Code, § 13-117)

18-121. Fluoridation of water supply. The Water Department of the Town of Dover, Tennessee, is hereby authorized and instructed to make plans

for the fluoridation of the water supply of the Town of Dover, Tennessee; 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.

The cost of such fluoridation will be borne by the revenues of the Water Department of the Town of Dover, Tennessee. (1985 Code, § 13-118)

18-122. Violations and penalties. Any person, firm, or corporation violating any of the provisions of this chapter shall be subject to punishment under the general penalty clause of this code. (1985 Code, § 13-119)

18-123. Utility extensions and new developments. (1) Definitions.

(a) "Utility extension." That part of the new system required to connect the existing system to a new development or a project area. All utility extensions shall be accepted by the town as provided by these regulations.

(b) "Developer." Any person, firm or corporation engaged in the subdividing of land.

(c) "Individual property owners." Property with improvements that are not presently served by public utility.

(d) "Construction costs." This shall include the actual cost of construction including engineering, design, inspection, legal, administration and all other cost directly related to the utility extension project.

(e) "Project area." An area that is developed or partially developed which mayor may not be a part of a platted subdivision and is not served by public utilities.

(2) Extensions by individuals. A utility may be extended by one or more individual property owners. Upon request a project area may be established by the town. The boundaries of a project area will be defined by the town. This area will be used to establish the parties responsible for and to share in the cost of the utility serving the project area. In no instance will a project area be established when the roads or streets are not approved and accepted roads or streets of either the Town of Dover or Stewart County. When a project area is established the parties being served will be responsible for the cost of engineering, inspection and all materials and labor for the completion of the project. In addition to the cost of the project each party being served will be responsible for paying the cost of the necessary tap fees.

(3) Developer's responsibility. The developer shall be responsible for and pay the cost of all improvements within the development. The full amount of the estimated project cost shall be furnished in advance by the developer as provided by this policy.

(4) Engineering and design. All utility extensions shall be designed by the town's engineering firm, and shall meet approval of the Tennessee Department of Environment and Conservation. Such plans shall be submitted to the Dover Water and Sewer Department for approval in conjunction with other plans that may be required. Final plans shall be engineering design drawings on standard plan-profile sheets to a scale of not less than 1"=100' in plan and 1"=10' in profile. Contract documents and specifications shall be furnished in a form suitable for execution by the town.

(5) Cash deposit. The developer shall deposit with the town the amount as determined by the engineer's estimated construction cost. The deposit shall be for the full amount of the project cost. After acceptance by the town, the town shall proceed to obtain bids for the project. Sealed bids will be received by the town following standard practices. The developer has the option to reject all bids. The deposit shall be adjusted to the contract amount after a contract is executed. If at any time during the construction phase it is estimated by the town that the project cost will exceed the amount on deposit, the developer shall deposit the additional amount of the estimated increase. Upon failure by the developer to deposit the required amount, the town shall order the contractor to stop work. The developer shall pay all cost resulting from the delay. The balance of any money remaining on deposit after final payment shall be returned to the developer within ten (10) days after acceptance by the town.

(6) Final payment. The total project cost shall be determined by the engineer and a detailed account of all cost items shall be delivered to the town. The contractor shall be paid in accordance with the contract.

(7) Acceptance by the town. The engineer shall submit in writing that the project has been completed and that it meets all of the requirements of the town. The date of acceptance shall be established by the Dover Water and Sewer Department. This date shall be used as it may apply to refunds and maintenance guarantees.

(8) Easements. All utility extensions shall be constructed within a public right-of-way or in an easement which has been dedicated to the town. Easements shall be a minimum of ten (10) feet wide. The town may require additional easement widths where unusual maintenance problems exist. Easements within subdivisions shall be shown and identified on the dedication plat. All other easements shall be shown on the contract drawings. A legal description shall be furnished and recorded by the developer prior to acceptance by the town.

(9) Taps and service lines. All taps and service lines shall be installed by the town. The service lines will remain the property of the town and they shall be maintained by the town.

(10) Fire hydrants. At the discretion of the town, the developer shall install fire hydrants and a six (6) inch gate valve at such locations to satisfy the current fire demand rate of the town. Generally, fire hydrants will be required when it is determined that the area to be developed is located within the

municipal limits or is likely to be annexed by the town within a reasonable period of time. If the town determines that fire hydrants are not required, the developer shall install at locations specified by the town, a six (6) inch tee and a six (6) inch gate valve for future hydrant installation.

(11) Back-flow prevention device. All structures, with the exception of single family structures, shall install a back-flow prevention device as approved by the Dover Water and Sewer Department. All back-flow devices shall be inspected at a minimum of one (1) time each year by the water department or a person certified to make such inspections. To help defray the cost of such testing there shall be a monthly charge of four dollars (\$4.00) added to the monthly utility bill for each customer that the water department performs the testing for.

(12) Exceptions. No exception to this policy shall be made without the expressed permission of the Town of Dover Water and Sewer Department. (Ord. #157-86, August 1986, as amended by Ord. #258-98, Nov. 1998, and Ord. #317-06, June 2006)

CHAPTER 2

SEWER USE ORDINANCE

SECTION

- 18-201. General provisions: purpose and policy.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Use of public sewers required.
- 18-205. Private sewer disposal.
- 18-206. Building sewers and connections.
- 18-207. Use of public sewers.
- 18-208. Use of the sewers by industrial user.
- 18-209. Protection from damage.
- 18-210. Powers and authority of inspection.
- 18-211. Penalties.
- 18-212. Validity.
- 18-213. Confidentiality requirements.

18-201. General provisions: purpose and policy. (1) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Dover, Tennessee, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and 1987 and the General Pretreatment Regulations (40 CFR, Part 403).

(2) The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the municipal wastewater system that will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(3) This chapter provides for the regulation of direct and indirect dischargers to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and assures that existing customers' capacity will not be preempted or appropriated.

(4) This chapter shall apply to the Town of Dover, Tennessee, and to persons outside the town who are, by contract or agreement with the town, users of the Town of Dover's POTW. Except as otherwise provided herein, the

superintendent of the town's POTW shall administer, implement, and enforce the provisions of this chapter. (Ord. #174-88, April 1988)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act or The Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) "Approval authority." The Director of the Division of Water Pollution Control, Tennessee Department of Health and Environment, or the Administrator of the Environmental Protection Agency.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C expressed in terms of weight and concentration (milligrams per liter).

(5) "Building drain." The part of the lower horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(6) "Build sewer." The extension from the building drain to the public sewer or other place of disposal.

(7) "Categorical standards." National Categorical Pretreatment Standards or Pretreatment Standard.

(8) "Combined sewer." A sewer receiving both surface runoff and sewage.

(9) "Compatible pollutant." BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the town's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(10) "Control authority." The "Approval Authority," defined hereinabove, or the Superintendent if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(11) "Conventional pollutants." Those pollutants normally found.

(12) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(13) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the state.

(14) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(15) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.

(16) "Grab sample." A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(18) "Incompatible pollutant." Any pollutant that is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial pretreatment." Any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state and local regulations.

(21) "Industrial user." A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(22) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

(23) "Inhibition." Any pollutant that might impair, effectively reduce, or terminate the biological process and/or operation of the sewage treatment plant.

(24) "Interference." The inhibition or disruption of the POTW treatment processes or operations that contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the POTW.

(25) "Monitoring." Any method of sampling and analyzing of industrial waste, discharged into the sanitary sewer by industrial users, employed by the town to enforce industrial pretreatment regulations.

(26) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) that applies to a specific category of industrial users.

(27) "National Pollution Discharge Elimination System or NPDES Permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(28) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(29) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(30) "New source." Any source whose construction is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard that will be applicable to such sources if such standard is thereafter published within 120 days of proposal in the federal register. Where the standard is promulgated later than 120 days after proposal, a new source means any source whose construction is commenced after the date of promulgation of the standard.

(31) "Pass through." Any pollutant that enters the sewage works and is not totally removed before entering the receiving stream.

(32) "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 and the singular shall include the plural where indicated by the context.

(33) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(34) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(35) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(36) "POTW Treatment Plant." That portion of the POTW designed to provide treatment to wastewater.

(37) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(38) "Priority pollutants." Shall mean any of the one hundred twenty-nine (129) pollutants that affect stream quality or stream life in the receiving stream and its subsequent waters.

(39) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of foods which have been shredded to such a degree that

all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeter) in any dimension.

(40) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) that is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(41) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(42) "Receiving stream." The natural stream or watercourse that accepts the discharge from the sewage treatment plant.

(43) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(44) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(45) "Shall" is mandatory; "May" is permissive.

(46) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, office of Management and Budget, 1972.

(47) "State." The State of Tennessee.

(48) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(49) "Superintendent." The person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representatives.

(50) "Suspended Solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(51) "Town." The Town of Dover, Tennessee, the mayor, the town council, the town recorder, the wastewater treatment plant superintendent, or their duly authorized representative.

(52) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(53) "Twenty-four (24) hour flow proportional composite sample." Incremental samples with sample volumes proportional to flow are collected over a 24 hour period. This type of sample, when analyzed and compared to total flow, provides the most accurate measure of wastewater quality and pollutant loading.

(54) "User." Any person who contributes causes, or permits the contribution of wastewater into town's POTW.

(55) "Wastewater." The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated that is contributed into or permitted to enter the POTW.

(56) "Wastewater Contribution Permit." As set forth in section 18-208(10) of this chapter. (Ord. #174-88, April 1988)

18-203. Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand
 - (2) CFR - Code of Federal Regulations
 - (3) COD - Chemical Oxygen Demand
 - (4) EPA - Environmental Protection Agency
 - (5) l - Liter
 - (6) mg - Milligrams
 - (7) mg/l - Milligrams per Liter
 - (8) NPDES - National Pollutants Discharge Elimination System
 - (9) POTW - Publicly Owned Treatment Works
 - (10) SIC - Standard Industrial Classification
 - (11) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 - (12) TSS - Total Suspended Solids
 - (13) USC - United States Code
- (Ord. #174-88, April 1988)

18-204. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the boundaries of the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste if public sewer is available.

(2) It shall be unlawful to discharge to any natural outlet within the boundaries of the town or in any area under the jurisdiction of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage if public sewer is available.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect

such facilities directly with the proper public sewer in accordance with the provisions of this policy, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. (Ord. #174-88, April 1988)

18-205. Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (Ord. #174-88, April 1988)

18-206. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of ten dollars (\$10.00) for a residential, commercial, or industrial building sewer permit shall be paid to the town at the time the application is filed.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building, except that when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this policy.

(6) Building sewers shall conform to the following requirements:

(a) The minimum size of a building sewer shall be four (4) inches.

(b) The minimum depth of a building sewer shall be eighteen (18) inches.

(c) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade

that will produce a velocity when flowing full of at least 2.0 feet per second.

(d) Slope and alignment of all building sewers shall be neat and regular.

(e) Building sewers shall be constructed only of (1) concrete or clay sewer pipe using rubber or neoprene compression joints of approved type; (2) cast iron soil pipe with leaded or compression joints; (3) polyvinyl chloride pipe with solvent welded or with rubber compression joints; (4) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or (5) such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(f) A cleanout shall be located five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4)-inch pipe.

(g) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert or a type approved by the superintendent. All such connections shall be made gastight and watertight.

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8 inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner.

(i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution

Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(j) An installed building sewer shall be gastight and watertight.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the town, or to the materials requirements set forth in the appropriate ASTM specifications and the procedures set forth in the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the Superintendent, or his authorized representative, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent, or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(12) Any work done in the street right-of-way will be covered by town street cut permit.

(13) Sewer service shall be provided to adjacent unincorporated areas at the discretion of the Town of Dover officials. (Ord. #174-88, April 1988)

18-207. Use of the public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer, and, without exception, no sanitary wastewater shall be discharged into any storm sewer system.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Department of Health and Environment, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described pollutants to any public sewer.

(a) Any liquids, solids, or gases that, by reason of their nature or quantity, may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at any point of the discharge into the system (or at any point in the system), be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances that the town, state, or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Pollutants that cause corrosive structural damage to the system; in no case discharges with a pH lower than 6.0 or higher than 9.0.

(c) Solid or viscous substances that may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides or flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw shrivings, grass clippings, rags, spent grains, spent, hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such a volume or strength as to cause interference to the system.

(e) Heat in amounts which will inhibit biological activity in the sustain resulting in interference, but in no case heat in such quantities that the temperature at treatment plant influent exceeds 40°C (104°F).

(f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 HP metric) or larger shall be subject to the review and approval of the superintendent.

(g) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and that will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(4) No person, firm, association, or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreted disposal system into the POTW unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or service. Any person, firm, association, or corporation desiring a permit to perform such services shall complete and file with the town an application on the form prescribed by the town. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met, providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. An annual service charge, payable to the Town of Dover, may be included as a provision to the permit. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used on the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. No person, firm, association, or corporation rendering services under the permit herein provided for shall discharge any incompatible pollutant.

(5) Any person determined an industrial user shall not only be regulated by regulations set forth in section 18-207 but shall also be required to adhere to all provisions established in section 18-208. (Ord. #174-88, April 1988)

18-208. Use of the sewers by industrial users. (1) This chapter establishes limitations and prohibitions on the quantity and quality of wastewater that may be lawfully discharged to the POTW. The specific limitations set forth in subsequent sections are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the town to meet requirements contained in its national pollution discharge elimination system (NPDES) permit.

(2) The wastewater of every industrial user shall be evaluated upon the following criteria:

(a) Wastewater containing any element or compound that is not adequately removed by the treatment works which is known to be an environmental hazard;

(b) Wastewater causing a discoloration or any other condition in the quality of the town's POTW treatment plant effluent such that receiving water quality requirements established by law cannot be met;

(c) 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;

(d) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scums causing them to be unsuitable for reclamation process; and

(e) Wastewater having constituents and concentrations in excess of those listed in section 18-208(3), hereafter.

When the superintendent determines that a user or users are contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent shall (1) advise the user(s) of the impact of the contribution on the POTW and (2) develop effluent limitation(s) for such user(s) to correct the interference with the POTW.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable requirements under 40 CFR, Section 403.12.

(3) The superintendent shall monitor the treatment works influent for each parameter in the following table. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town such remedial measures as are necessary, including but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW. The intent of these limitations is to prevent (1) interference with the operation of the treatment works, (2) pass through of pollutants in violation of the POTW's NPDES permit limitations, and (3) municipal sludge.

TABLE I
 PROTECTION CRITERIA
 INCOMPATIBLE POLLUTANT INFLUENT LIMITATIONS
 FOR THE TOWN OF DOVER, TENNESSEE
 WASTEWATER TREATMENT PLANT

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/l)</u>	<u>Maximum Instantaneous Concentration mg/l)</u>
Cadmium	(0.033)	0.05
Chromium	0.05	0.08
Copper	0.005	0.008
Cyanide	0.03	0.05
Lead	0.01	0.2
Mercury	0.004	0.01
Nickel	0.03	0.05
Silver	0.02	0.03
Zinc	0.05	0.08
Methylene chloride	0.1	0.15
Chloroform	0.22	0.33
Toluene	0.21	0.32
1,1,2,2, Tetra chloroethylene	0.14	0.20
O & P Xylene	0.21	0.32
Phenol	0.03	0.05
2,4 Dimethylphenol	0.03	0.05
1,4 Dichlorobenzene	0.004	0.01
Isophorone	0.004	0.01
Naphthalene	0.013	0.02
Bis (2-ethylhexyl) phthalate		
Butyl benzyl phthalate		
Di-N-Butyl phthalate		
Diethyl phthalate		
Di-N-Octyl phthalate	0.256 ^a	0.40

^a The sum of the concentrations for the phthalates should not exceed this value.

TABLE II
PROTECTION CRITERIA
COMPATIBLE POLLUTANT INFLUENT LIMITATIONS
FOR THE TOWN OF DOVER, TENNESSEE
WASTEWATER TREATMENT PLANT

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/l)</u>	<u>Maximum Instantaneous Concentration (mg/l)</u>
5-Day BOD	250	300
TSS	250	300

Modification of Federal Categorical Pretreatment Standards:

Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" (as defined hereinafter) shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent that is achieved by the system when 95 percent (95%) of the samples taken measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, 403.7 are fulfilled and prior approval from the approval authority is obtained.

(4) Industrial users shall be required to perform any industrial pretreatment whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations set forth in section 18-208(3) of this chapter to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit.

(5) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(6) The town reserves the right to establish by chapter more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 18-201 of this chapter.

(7) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate

treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.

(8)(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user immediately to telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The POTW shall keep a log on such events.

(b) Written notice: Within five (5) days following an accidental discharge, the User shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage 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 that may be imposed by this chapter or other applicable law.

(c) Notice to employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a 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.

(9) The town may adopt charges and fees that may include:

(a) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;

(b) Fees for monitoring, inspections, and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit application;

(e) Fees for filing appeals;

(f) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards; and

(g) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town.

(10) All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.

(11) Users required to obtain a wastewater contribution permit shall complete and file with the town an application in the form prescribed by the town and accompanied by a fee of fifty dollars (\$50.00). Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics, including but not limited to those mentioned in section 18-207(3) and section 18-208(2) and (3), of this chapter, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (g) Description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge that are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components commencing construction, completing construction, etc.).

(2) No increment referred to in Paragraph 1 shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the superintendent.

(j) Each product produced by type, amount, process or processes, and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

(m) Any other information as may be deemed by the town to be necessary to evaluate the permit application.

The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater contribution permit subject to terms and conditions provided herein.

(12) Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required by 18-208(11), the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraphs (h) and (i) of Section 18-208(11).

(13) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the town. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, reporting schedule, and number, types, and standards for tests.

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the town access thereto;

(i) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharges in accordance with section 18-208(2); and

(k) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(14) Permits shall be issued for a specified time period not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications by the town during the term of the permit as limitations or requirements identified in section 18-208(5) are modified or if some other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(15) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(16) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following

commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility that are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Industrial user and certified by a qualified professional.

(a) Any user subject to a pretreatment standard shall, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent that are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that, during the reporting period, exceeded the average daily flows reported in section 18-208(11)(e). 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.

(b) The superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein that are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication

"Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the superintendent.

(17) When required by the superintendent, the owner of any property, serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(18) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this policy shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined based on suitable samples at the control manhole provided. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(19) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern. In no case shall any exception or variance or special agreement be granted that will violate the protection criteria. Before any exception, exemption, variance, or special agreement is granted, the industry must demonstrate good management practices. Good management practices include, but are not limited to, preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharge and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (Ord. # 174-88, April 1988, as amended by Ord. #181-88, Jan. 1989)

18-209. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewage works. Any person violating this provision shall be subject to immediate

arrest under charge of criminal mischief in either the first, second, or third degree. (Ord. #174-88, April 1988)

18-210. Powers and authority of inspection. (1) The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this policy. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, papers or other industrial processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in section 18-210(1), above, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 18-208(17).

(3) The superintendent and other duly authorized employees of the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #174-88, April 1988)

18-211. Penalties. (1) Any person found to be violating any provision of this chapter except section 18-209 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in section 18-211(1), shall be guilty of a misdemeanor and, on conviction therefor, shall be fined in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this policy shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(4) The town shall be empowered with the right to disconnect any person in violation of any provision of this policy (if corrective action is not taken upon the initiation of the fifty dollars (\$50.00) per day fine) from sanitary sewer services in accordance with the national pretreatment regulations.

(5) The town shall annually publish in the local newspaper a list of the users that were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also, summarize any enforcement actions taken against the user(s) during the same 12 months.

(6) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(7) If an industrial user falls into non-compliance with any pretreatment standards and requirements, the POTW shall seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. Additionally, the POTW shall assess civil or criminal penalties for noncompliance by the industrial user with pretreatment standards and requirements. The POTW shall have the power to issue cease and desist orders to which if said are not obeyed by the industrial user, additional injunctive criminal or civil relief may be engaged by the POTW. (Ord. # 174-88, April 1988, as amended by Ord. #185-89, June 1989)

18-212. Validity. (1) All policies or part of policies in conflict herein are hereby repealed.

(2) The invalidity of any section, clause, sentence, or provision of this policy shall not affect the validity of any other part of this policy which can be given effect without such invalid part or parts. (Ord. # 174-88, April 1988)

18-213. Confidentiality requirements. (1) In accordance with 40 CFR, Part 2, any information submitted to the Environmental Protection Agency of the United States Government pursuant to the Code of Federal Regulations may be claimed as confidential by the submitter.

(2) If any such claim is asserted, it must be asserted at the time of submission in the manner prescribed on the application or instructions as provided by the Environmental Protection Agency or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information.

(3) If no claim is made at the time of submission, the superintendent will forward the information to the Environmental Protection Agency who may make the information available to the public without further notice. (Ord. #184-89, June 1989)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

18-301. 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 for general use and which supply is recognized as the public water supply by the Tennessee Department of Health and Environment.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "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

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(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 county. (1985 Code, § 8-301)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, sections 68-13-701 and 68-13-719 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. (1985 Code, § 8-302)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment 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. (1985 Code, § 8-303)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks, a statement of the non-existence of unapproved or unauthorized cross connections, 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. (1985 Code, § 8-304)

18-305. Inspections required. It shall be the duty of the superintendent of the waterworks 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 and as approved by the Tennessee Department of Health and Environment. (1985 Code, § 8-305)

18-306. Right of entry for inspections. 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 public water supply for the purpose of inspecting the piping system or systems therein 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. (1985 Code, § 8-306)

18-307. Correction of existing violations. 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.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, section 68-13-711, within a reasonable time and within the time limits set by the superintendent of the waterworks shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall 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 management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1985 Code, § 8-307)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed (a) impractical to provide an effective air-gap separation, (b) that the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, 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, (c) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing, (d) there is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the waterworks of the town 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 device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and Environment 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 Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal 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 superintendent 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.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices 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 superintendent of the waterworks. (1985 Code, § 8-308)

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1985 Code, § 8-309)

18-310. Violations. The requirements contained herein shall apply to all premises served by the town water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (1985 Code, § 8-310)

CHAPTER 4

ANIMAL AND VEGETABLE FATS, OILS, AND GREASE, AND SOIL/SAND
AND LINT TRAPS AND INTERCEPTORS

SECTION

- 18-401. Purpose.
- 18-402. Fat, Oil, and Grease (FOG), waste food, and sand interceptors.
- 18-403. Definitions.
- 18-404. Fat, oil, grease and food waste.
- 18-405. Sand, soil, and oil interceptors.
- 18-406. Laundries.
- 18-407. Control equipment.
- 18-408. Solvents prohibited.
- 18-409. Enforcement and penalties.
- 18-410. Alteration of control methods.

18-401. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations or the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant. (as added by Ord. #321-06, Sept. 2006)

18-402. Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts 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. (as added by Ord. #321-06, Sept. 2006)

18-403. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

(1) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(2) "Grease trap." An interceptor whose rated flow exceeds 50 g.p.m. and is located outside the building.

(3) "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. or less and is typically located inside the building. (as added by Ord. #321-06, Sept. 2006)

18-404. Fat, oil, grease and food waste. (1) 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.

(2) 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 operational problems to structures or equipment in the public sewer system.

(3) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must implement the plan within a reasonable amount of time; 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 plant, additional pretreatment measures may be required. (as added by Ord. #321-06, Sept. 2006)

18-405. 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 will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will 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 required 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. (as added by Ord. #321-06, Sept. 2006)

18-406. 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 or solids one half (½) inch or larger in size such as, rags, buttons, or other solids detrimental to the system. (as added by Ord. #321-06, Sept. 2006)

18-407. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the

adopted code of the municipality and the Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. 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, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this section 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 the control equipment. (as added by Ord. #321-06, Sept. 2006)

18-408. Solvents prohibited. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited. (as added by Ord. #321-06, Sept. 2006)

18-409. Enforcement and penalties. Any person who violates this chapter shall be guilty of a civil violation punishable under and according to the general penalty provisions of the city's municipal code of ordinances. Each day's violation of this chapter shall be considered a separate offense. (as added by Ord. #321-06, Sept. 2006)

18-410. Alteration of control methods. The city through the superintendent reserves the right to require additional control measures if measures taken are shown to be insufficient to protect the sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand, soil, or lint. (as added by Ord. #321-06, Sept. 2006)

TITLE 19

ELECTRICITY

CHAPTER

1. ELECTRICITY.

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the town and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties, and obligations of the town, its inhabitants, and the grantee of the franchise are clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (1985 Code, § 13-301)

¹The agreements are of record in the office of the recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. COMPLIANCE WITH TITLE VI -- CIVIL RIGHTS ACT OF 1964.

CHAPTER 1

COMPLIANCE WITH TITLE VI -- CIVIL RIGHTS ACT OF 1964

SECTION

20-101. Title VI Compliance Manual.

20-101. Title VI Compliance Manual.¹ The following statement shall be deemed as the Town of Dover's Title VI policy statement: "It is the policy of the Town of Dover to ensure that no citizen shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (as added by Ord. #412-16, Nov. 2016)

¹The Title VI Compliance Manual for the Town of Dover, and any amendments thereto, may be found in the recorder's office.

ORDINANCE NO. 222-94

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF DOVER, TENNESSEE.

WHEREAS some of the ordinances of the Town of Dover 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 Dover, 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 "Dover Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF DOVER, TENNESSEE, THAT:

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 "Dover 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.

Section 3. Ordinances saved from repeal. The repeal provided for in the preceding section 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 contract or obligation assumed by or in favor of said Town; 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 ordinance annexing territory to the Town, or amending its zoning map, or any ordinance granting a franchise to do business in, or provide service 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 five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Section 6. Code as evidence. Any printed copy of the Municipal Code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

Section 7. 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 8. 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 the 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 9. 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 10. 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 11. 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 May 9, 1994.

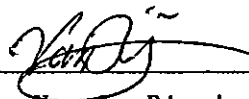
Passed 2nd reading June 13, 1994.



Mayor



Recorder

Approved for legal form 

Van L. Riggins, Jr.
Attorney