

**THE
JEFFERSON CITY
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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CITY OF JEFFERSON CITY, TENNESSEE

MAYOR

Mitch Cain

VICE MAYOR

Kevin Bunch

COUNCIL MEMBERS

Ailene Combs

Dennis (Rocky) Melton

Sheila Purkey

CITY MANAGER

James A. Gallup

RECORDER

Monica Myers

PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).

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

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

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

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

Steve Lobertini
Codification Consultant

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

Section 12. Ordinance procedure. All ordinances shall begin with the clause, "Be it ordained by the city council of Jefferson City, Tennessee." An ordinance may be introduced by any member of the council. The body of ordinances may be omitted from the minutes on first reading, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance shall be passed on three different days, at regular, special or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of council, and shall be immediately taken charge of by the recorder, and by him numbered, copied in an ordinance book and there authenticated by the signature of the recorder, and filed and preserved in the recorder's office.

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. CITY MANAGER.
3. RECORDER.
4. DEPARTMENTS.
5. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. City council in general.
- 1-105. Powers and duties of the mayor.

1-101. Time and place of regular meetings. The city council shall hold regular meetings on the first Monday of each month at 5:00 P.M. in the city hall. In the event that the first Monday is a holiday, the meeting shall be held on the Tuesday following the first Monday at 5:00 P.M. (1996 Code, § 1-101, as amended by Ord. #2017-07, March 2017)

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

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.

Zoning: title 14.

²Charter references

Qualifications: Art. IV, § 3.

Salaries: Art. IV, § 4.

- (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) Citizens' comments.
- (5) Communications from the mayor.
- (6) Reports from committees, councilmen, and other officers.
- (7) Appointments.
- (8) Acceptance of bids.
- (9) Old business.
- (10) New business.
- (11) Adjournment. (1996 Code, § 1-102, modified)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council 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. (1996 Code, § 1-103, modified)

1-104. City council in general. The city council shall consist of the mayor and four city council members. All legislative powers and duties of the city shall rest with the city council. (1996 Code, § 1-104)

1-105. Powers and duties of the mayor.¹ (1) The mayor shall preside at all meeting of the council at which he is present, and in his absence, the vice-mayor shall preside.

(2) The mayor shall be the ceremonial head of the city, and shall be the officer upon which process against the city may be served. He shall have a vote in city council on all matters, but no veto power.

The mayor shall be the officer of the city authorized to sign all contracts and legal documents on behalf of the city, except in his absence, the vice-mayor shall sign. (1996 Code, § 1-105)

¹Charter reference

The office of mayor: Art. IV, § 6.

CHAPTER 2

CITY MANAGER¹

SECTION

1-201. To be bonded.

1-202. Powers and duties.

1-201. To be bonded. Pursuant to section 4 of article 8 of the city's charter, the city manager shall be bonded in the sum of \$250,000.00 with a surety company authorized to do business in Tennessee as surety. This bond coverage may be accomplished through a blanket bond, and the cost of the bond shall be an expense of the city. (1996 Code, § 1-201)

1-202. Powers and duties.² The city manager shall be the chief administrative officer of the city; responsible to the council for the direction and administration of all offices, departments, and activities of the city. The powers and duties of the city manager shall be:

(1) To appoint, remove, or otherwise discipline all department heads and all subordinate officers and employees, all appointments to be made upon merit and fitness alone.

(2) To see that all laws and ordinances, subject to enforcement by him or by officers subject to his direction, are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted.

(3) To attend all council meetings and to have the right to take part in any discussion, but not to vote.

(4) To prepare and submit an annual operating budget and an annual capital budget update to the council at the appropriate time.

(5) To submit to the council a complete report on the financial condition of the city at the end of each fiscal year.

(6) To make such other reports on the activities of the city as the city council may require or as he sees the need for and to make such recommendations as, in his opinion, are necessary to improve the effectiveness and efficiency of the city's operations or as are needed for the overall good of the city.

(7) To act as purchasing agent for the city, purchasing all materials, supplies, and equipment needed by the city in accordance with state law and procedures established by the city council.

¹Charter reference

Appointment and removal: Art. V, § 1.

²Charter reference

Powers and duties: Art. V, § 3.

(8) To perform other duties required by the charter or the city council.
(1996 Code, § 1-202)

CHAPTER 3

CITY RECORDER¹

SECTION

1-301. To be bonded.

1-302. Fees for copies of documents.

1-303. Powers and duties.

1-301. To be bonded. Pursuant to section 4 of article 8 of the city's charter, the recorder shall be bonded in the sum of \$250,000.00 with a surety company authorized to do business in Tennessee as surety. This bond coverage may be accomplished through a blanket bond, and the cost of the bond shall be an expense of the city. (1996 Code, § 1-301)

1-302. Fees for copies of documents. Procedures for fees for obtaining copies of municipal records are as follows:

(1) Any person desiring a copy of any accident report may obtain the same by applying to the city manager or chief of police, upon payment of the fee hereinafter specified.

(2) Any person desiring a copy of any municipal record or document may have the same upon application to the recorder or city manager, upon payment of the fee hereinafter specified.

(3) The fee for a copy of an accident report shall be five (\$5.00) dollars; and, the fee for copying municipal records or documents shall be one (\$1.00) per page.

(4) Any person desiring other copies than herein specified, shall apply to the city manager, who may or may not make such copies within his sound discretion, and in the event such copies are made, then the fee therefor shall be in the sum of two (\$2.00) dollars per page. (1996 Code, § 1-302)

1-303. Powers and duties. The recorder shall be the head of the department of finance. He (she) shall receive a salary to be fixed by the council; he (she) shall have a seat and a voice, but no vote, in the council. He (she) shall by his (her) signature and the city seal, attest all instruments signed in the name of the city and all official acts of the mayor. He (she) shall have power to administer oaths. The powers and duties of the city recorder shall be:

(1) Shall keep minutes. It shall be the duty of the recorder to be present at all meetings of the council and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

¹Charter reference

Appointment, duties, etc.: Art. VI, §§ 1-9.

(2) Shall be custodian of public records, bonds, etc. The recorder shall have custody of and preserve in his/her office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of the council, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except his/her own bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers and documents not required by the charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

(3) Shall provide and certify copies of records, papers, etc. The recorder shall provide, and when required by any officer or person, certify copies of records, papers and documents in his/her office and charge therefor, for the use of the city, such fees as may be provided by ordinance; cause copies of ordinances to be printed, as may be directed by the council, and kept in his/her office for distribution.

(4) Shall generally supervise and keep records of fiscal affairs. The recorder as the head of the department of finance, shall exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition thereof. He/she shall be the general accountant and internal auditor of the city; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the city, and the vouchers relating to the fiscal affairs of the city, and the records in his office shall show the financial operations and condition, property, assets, claims and liability of the city, all expenditures authorized and all contracts in which the city is interested.

(5) Shall be treasurer. The recorder shall be the treasurer of the city; as such it shall be his/her duty to collect, receive and receipt for the taxes and all other revenues and bonds of the city, and the proceeds of its bond issues, and to disburse them.

(6) Shall perform any other duties imposed. The recorder shall also perform any other duties imposed upon him/her by charter or by ordinance.

(7) Appointment of recorder pro tempore. In event of the temporary absence or disability of the recorder, the city manager may by an instrument in writing appoint a recorder pro tempore who shall have and exercise all the powers of the regular recorder. (1996 Code, § 1-303)

CHAPTER 4**DEPARTMENTS****SECTION**

1-401. Departments established.

1-402. Direction and supervision of departments.

1-401. Departments established.¹ The following departments of city government are hereby established:

- (1) Legislative.
- (2) Administrative.
- (3) Police.
- (4) Fire.
- (5) Utility.
- (6) Recreation.
- (7) Community development.
- (8) Codes enforcement. (1996 Code, § 1-1201)

1-402. Direction and supervision of departments.² All departments, except the legislative department, shall be under the supervision of the city manager. The city manager shall appoint an officer to administer the direction and supervision of each department. (1996 Code, § 1-1202)

¹Charter reference
Departments generally: Art. VIII, § 1.

²Charter reference
Direction and supervision of departments: Art. VIII, § 2.

CHAPTER 5

CODE OF ETHICS¹

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Business dealings.
- 1-507. Use of information.
- 1-508. Use of municipal time, facilities, etc.
- 1-509. Use of position or authority.
- 1-510. Outside employment.
- 1-511. Ethics complaints.
- 1-512. 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.

1-501. 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. #2007-5, June 2007)

1-502. Definition of "personal interest." (1) For purposes of §§ 1-503 and 1-504, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #2007-5, June 2007)

1-503. 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. #2007-5, June 2007)

1-504. 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. #2007-5, June 2007)

1-505. 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. #2007-5, June 2007)

1-506. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or profit, directly or indirectly, from business dealings with the city. (as added by Ord. #2007-5, June 2007)

1-507. 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. #2007-5, June 2007)

1-508. 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. #2007-5, June 2007)

1-509. 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. #2007-5, June 2007)

1-510. 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. #2007-5, June 2007)

1-511. 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 a written advisory ethics opinion based upon this chapter and other applicable law, and file with the city recorder.

(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. #2007-5, June 2007)

1-512. 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. #2007-5, June 2007)

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

1. HISTORIC ZONING COMMISSION.
2. TREE BOARD.

CHAPTER 1**HISTORIC ZONING COMMISSION****SECTION**

- 2-101. Created.
- 2-102. Members and terms.
- 2-103. Guidelines and rules.

2-101. Created. A historic zoning commission shall be created of no less than six (6) members, who shall serve without compensation, to be appointed by the mayor and confirmed by city council. (as added by Ord. #2013-07, June 2013)

2-102. Members and terms. (1) The commission members shall have five (5) year terms, except that the members appointed initially shall have staggered terms so that the terms of at least one (1) member, but not more than two (2) members, shall expire each year.

(2) The commission shall consist of a representative of a local patriotic or historical organization; an architect (if available); a member of the local planning commission at the time of their appointment; and the remaining members from the community in general. Any member appointed to the commission after the initial appointments shall, if possible, be a resident of the City of Jefferson City or own property in the City of Jefferson City. (as added by Ord. #2013-07, June 2013, and amended by Ord. #2015-03, Feb. 2015)

2-103. Guidelines and rules. The commission may adopt review guidelines, rules, and regulations consistent with the requirements of Tennessee Code Annotated, § 13-7-401, et seq. (as added by Ord. #2013-07, June 2013)

CHAPTER 2

TREE BOARD

SECTION

- 2-201. Definitions.
- 2-202. Creation and establishment of a city tree board.
- 2-203. Term of office.
- 2-204. Compensation.
- 2-205. Duties and responsibilities.
- 2-206. Operation.
- 2-207. Street tree species to be planted.
- 2-208. Spacing.
- 2-209. Distance from curb and sidewalk.
- 2-210. Distance from street corners and fireplugs.
- 2-211. Utilities.
- 2-212. Public tree care.
- 2-213. Tree topping.
- 2-214. Pruning, corner clearance.
- 2-215. Removal of stumps.
- 2-216. Interference with city tree board.
- 2-217. Review by the city council.
- 2-218. Penalty.

2-201. Definitions. (1) Park trees. "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

(2) Street trees. "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city. (as added by Ord. #2015-13, Jan. 2015)

2-202. Creation and establishment of a city tree board. The City Tree Board for the City of Jefferson City, Tennessee shall consist of the five (5) member beautification board which is appointed by the mayor with the approval of city council. (as added by Ord. #2015-13, Jan. 2015)

2-203. Term of office. The term of the five (5) persons to be appointed by the mayor shall be the same as those terms of the beautification board. In the event that a vacancy shall occur during the term of any member, a successor shall be nominated by the mayor and confirmed by city council. (as added by Ord. #2015-13, Jan. 2015)

2-204. Compensation. Members of the board shall serve without compensation. (as added by Ord. #2015-13, Jan. 2015)

2-205. Duties and responsibilities. It shall be the responsibility of the board to study, investigate, council, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in park, along streets and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Jefferson City, Tennessee. The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work. (as added by Ord. #2015-13, Jan. 2015)

2-206. Operation. The board shall choose its own officers, make its own rules and regulations and keep minutes of its meetings. A majority of the members shall be a quorum for the transaction of business. (as added by Ord. #2015-13, Jan. 2015)

2-207. Street tree species to be planted. The tree board shall determine and adopt an appropriate and acceptable tree species listing. (as added by Ord. #2015-13, Jan. 2015)

2-208. Spacing. The spacing of street trees will be in accordance with the tree species size. No trees may be planted closer together than the following: small trees, thirty feet (30'); medium trees, forty feet (40'); and large trees, fifty feet (50'); except in special plantings designed or approved by a landscape architect. (as added by Ord. #2015-13, Jan. 2015)

2-209. Distance from curb and sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 2-208, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet (2'); medium trees, three feet (3'); and large trees, four feet (4'). (as added by Ord. #2015-13, Jan. 2015)

2-210. Distance from street corners and fireplugs. No street tree shall be planted closer than thirty-five feet (35') of a street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet (10') of any fireplug. (as added by Ord. #2015-13, Jan. 2015)

2-211. Utilities. No street trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of

any underground water line, sewer line, transmission line or other utility. (as added by Ord. #2015-13, Jan. 2015)

2-212. Public tree care. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. (as added by Ord. #2015-13, Jan. 2015)

2-213. Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city tree board. (as added by Ord. #2015-13, Jan. 2015)

2-214. Pruning, corner clearance. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (15') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. (as added by Ord. #2015-13, Jan. 2015)

2-215. Removal of stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (as added by Ord. #2015-13, Jan. 2015)

2-216. Interference with city tree board. It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching,

pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter. (as added by Ord. #2015-13, Jan. 2015)

2-217. Review by the city council. The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decision. (as added by Ord. #2015-13, Jan. 2015)

2-218. Penalty. Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to fine not to exceed fifty dollars (\$50.00). (as added by Ord. #2015-13, Jan. 2015)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

- 3-101. City judge.
3-102. Salary.

3-101. City judge. The officer designated by the charter to handle judicial matters within the City of Jefferson City shall preside over the city court and shall be known as the city judge. (1996 Code, § 1-501)

3-102. Salary. The salary of the City Judge of Jefferson City shall be set by ordinance by the city council. (1996 Code, § 1-502, modified)

¹Charter reference
City court, city judge: Art. XI.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines, penalties, and costs.
- 3-203. Disposition and report of fines, penalties, and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.
- 3-206. Contempt of court.
- 3-207. Other civil penalties.

3-201. Maintenance of docket. The docket required to be kept by Art. XI, § 5 of the charter 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 that may be relevant. (1996 Code, § 1-503)

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

The following costs are established for the City Court of Jefferson City:

Arrest	20.00
Affidavit and warrant	10.00
Continuance	1.00 (each)
Judgement	7.50
Docketing	7.50
Mittimus	1.00
Bond	2.00
Issuing subpoena	2.50 (each)
Serving subpoena	2.50 (each)
Bill of costs	2.00
Disposition to state	5.00
Search warrant	5.00
Litigation tax	13.75

An additional charge of \$1.00 shall be added to court costs and remitted to the administrative office of the courts for the purpose of defraying the cost of municipal judge and clerk training in accordance with Tennessee Code Annotated, § 16-18-304. (1996 Code, § 1-508, as amended by Ord. #2005-19, Nov. 2005)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties,

costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city council a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1996 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1996 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1996 Code, § 1-506)

3-206. Contempt of court. The city judge may impose a civil penalty of up to \$50.00 upon any person found by the city judge to be in contempt of court and a separate penalty may be assessed for each act of contempt if such person is found to be in contempt in two or more instances. (as added by Ord. #2005-20, Nov. 2005)

3-207. Other civil penalties. Unless otherwise mandated by state or federal law, the city judge may impose a civil penalty of up to \$50.00 for each violation of the provisions of this code. (as added by Ord. #2005-20, Nov. 2005)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1996 Code, § 1-504)

3-302. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1996 Code, § 1-505)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1996 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1996 Code, § 1-509)

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

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1996 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL GUIDELINES.
3. MISCELLANEOUS PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. INFECTIOUS DISEASE CONTROL POLICY.
6. [REPEALED.]
7. [REPEALED.]

CHAPTER 1

SOCIAL SECURITY

SECTION

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

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

(2) There is hereby excluded from this chapter any authority to make any agreement with respect to any position or employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city, or any position or employee or official not authorized to be covered under state or federal laws or regulations. Further, it is hereby authorized that all employees and officials not excluded by the preceding sentence of this section shall be afforded coverage in the system of federal old age and survivors insurance as of October 1, 1957.

(3) The mayor is authorized and directed to execute an amendment to said agreement of October 1, 1957, to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995,

ending on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8) (B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate federal official. (1996 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1996 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1996 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1996 Code, § 1-704)

4-105. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1996 Code, § 1-705)

CHAPTER 2

PERSONNEL GUIDELINES¹

SECTION

4-201. City manager authorized to develop and prepare employee handbook.

4-202. Employment terminable at the will of the employee or the city at any time.

4-203. [Repealed.]

4-204. [Repealed.]

4-205. [Repealed.]

4-201. City manager authorized to develop and prepare employee handbook. The city manager is authorized to develop and prepare an employee handbook as a guide for personnel policies, benefits, and general information. Such guidelines are not intended to be nor should be construed as a contract of employment. (1996 Code, § 1-801)

4-202. Employment terminable at the will of the employee or the city at any time. The city reserves the right to make changes in the guidelines, or their application, as it deems appropriate and these changes may be made without notice. Employment is terminable at the will of the employee or the city at any time. No individual representative of the city has the authority to make any agreement with an employee which would be contrary to the provisions of the employee handbook. (1996 Code, § 1-802)

4-203. [Repealed.] (1996 Code, § 1-804, as repealed by Ord. #2012-11, Dec. 2012)

4-204. [Repealed.] (1996 Code, § 1-805, as repealed by Ord. #2012-11, Dec. 2012)

4-205. [Repealed.] (1996 Code, § 1-806, as repealed by Ord. #2012-11, Dec. 2012)

¹Charter reference

Personnel rules: Art. VIII, § 3.

CHAPTER 3

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-301. Retirement.
- 4-302. [Repealed.]
- 4-303. [Repealed.]
- 4-304. [Repealed.]
- 4-305. [Repealed.]
- 4-306. [Repealed.]
- 4-307. [Repealed.]
- 4-308. Strikes and unions.

4-301. Retirement. (1) City employees shall retire when unable to demonstrate that the employee is mentally and/or physically able to perform the essential functions of the job which he/she is normally assigned to perform, unless otherwise provided by state or federal law.

(2) Employees with a minimum of 20 years service and after having reached the age of 62 may retire and continue to receive individual and/or family health insurance benefits on the same basis as full-time employees until age 65.

(3) Employees of the police and fire departments who mandatorily retire at age sixty (60) with a minimum of twenty (20) years of service may retire and continue to receive individual and/or family health insurance benefits on the same basis as full-time employees until age sixty-five (65).

(4) In the event that any retired employee who is receiving health insurance benefits pursuant to paragraphs (2) or (3) obtains employment which qualifies the employee for health insurance benefits from their new employer, the insurance benefits as set forth in paragraphs (2) and (3) shall terminate within thirty (30) days. (1996 Code, § 1-901, as amended by Ord. #2019-17, Nov. 2019 *Ch14_12-2-19*)

4-302. [Repealed.] (1996 Code, § 1-902, as repealed by Ord. #2007-05, June 2007)

4-303. [Repealed.] (1996 Code, § 1-903, as repealed by Ord. #2007-05, June 2007)

4-304. [Repealed.] (1996 Code, § 1-904, as repealed by Ord. #2007-5, June 2007)

4-305. [Repealed.] (1996 Code, § 1-905, modified, as repealed by Ord. #2012-11, Dec. 2012)

4-306. [Repealed.] (1996 Code, § 1-906, as repealed by Ord. #2007-05, June 2007)

4-307. [Repealed.] (1996 Code, § 1-907, as repealed by Ord. #2007-05, June 2007)

4-308. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he solicit any other municipal officer or employee to strike. (1996 Code, § 1-908, as amended by Ord. #96-27, Aug. 1996)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program plan.

4-401. Title. This chapter shall be known as "the occupational safety and health program plan" for the employees of Jefferson City, Tennessee." (1996 Code, § 1-1001, as amended by Ord. #2003-07, Sept. 2003, and replaced by Ord. #2016-05, June 2016)

4-402. Purpose. The City of Jefferson City 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. (1996 Code, § 1-1002, as replaced by Ord. #2003-07, Sept. 2003 and Ord. #2016-05, June 2016)

14-403. Coverage. The provisions of the occupational safety and health program plan for the employees of Jefferson City shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1996 Code, § 1-1003, as amended by Ord. #2003-07, Sept. 2003, and replaced by Ord. #2016-05, June 2016)

14-404. Standards authorized. The occupational safety and health standards adopted by Jefferson City are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (as added by Ord. #2016-05, June 2016)

14-405. 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. #2016-05, June 2016)

14-406. Administration. For the purposes of this chapter, the city manager or his designee is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee

Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #2016-05, June 2016)

4-407. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the city council of Jefferson City. (as added by Ord. #2016-05, June 2016)

CHAPTER 5

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-501. Purpose.
- 4-502. Coverage.
- 4-503. Administration.
- 4-504. Definitions.
- 4-505. Policy statement.
- 4-506. General guidelines.
- 4-507. Hepatitis B vaccinations.
- 4-508. Reporting potential exposure.
- 4-509. Hepatitis B virus post-exposure management.
- 4-510. Human immunodeficiency virus post-exposure management.
- 4-511. Disability benefits.
- 4-512. Training regular employees.
- 4-513. Training high risk employees.
- 4-514. Training new employees.
- 4-515. Records and reports.
- 4-516. Legal rights of victims of communicable diseases.

4-501. Purpose. It is the responsibility of the City of Jefferson City 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 City of Jefferson City, 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). (1996 Code, § 8-501(A))

4-502. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

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

- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (1996 Code, § 8-501(B))

4-503. Administration. This infection control policy shall be administered by the city manager or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by city employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the city council 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 city council. (1996 Code, § 8-501(C))

4-504. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

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

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (1996 Code, § 8-501(D))

4-505. 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. (1996 Code, § 8-502(1))

4-506. 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. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who 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" container. NOTE: Sharp objects must be placed in an impervious container and properly dispose of the objects.

(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. (1996 Code, § 8-502(2))

4-507. Hepatitis B vaccinations. The City of Jefferson City shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (1996 Code, § 8-503(1))

4-508. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

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

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

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

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (1996 Code, § 8-503(2))

4-509. 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. (1996 Code, § 8-503(3))

4-510. 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. (1996 Code, § 8-503(4))

4-511. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (1996 Code, § 8-503(5))

4-512. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1996 Code, § 8-504(1))

4-513. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (1996 Code, § 8-504(2))

4-514. 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. (1996 Code, § 8-504(3))

4-515. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature

of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

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

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (1996 Code, § 8-505)

4-516. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected

victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (1996 Code, § 8-506)

CHAPTER 6

[REPEALED]

(This chapter was deleted by Ord. #2012-11, Dec. 2012)

CHAPTER 7

[REPEALED]

(This chapter was deleted by Ord. #2013-01, March 2013)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. PURCHASING.
6. FUNDS FOR NONPROFIT ORGANIZATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Fiscal year.

5-101. Fiscal year. The fiscal year shall begin on July 1 of each year and end on June 30 of the following year. (1996 Code, § 6-101)

¹Charter references
Finance: Art. IX.
Taxation: Art. X.

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

5-202. Penalties.

5-203. Rounding.

5-204. Authorization to collect delinquent taxes.

5-201. When due and payable.¹ Taxes levied by the city against real property shall become due and payable annually on the date fixed in the charter. (1996 Code, § 6-201)

5-202. Penalties. A penalty of one and one-half percent (1.5%) shall be added to all delinquent property taxes collected during March of the fiscal year in which they were levied; and thereafter, an additional one and one-half percent (1.5%) penalty shall be added for each additional month the taxes remain delinquent. (1996 Code, § 6-202, modified)

5-203. Rounding. All property tax bills may, at the discretion of the city manager or his designee, be rounded to the nearest dollar amount. (1996 Code, § 6-203, as replaced by Ord. #2003-20, Jan. 2004)

5-204. Authorization to collect delinquent taxes. The city attorney is directed to issue distress warrants for the collection of delinquent taxes in accordance with general law. If not otherwise collected, the city attorney, or other attorney designated by the council, shall, at the council's direction, file suit for collection of all delinquent taxes not later than eighteen months following the date of delinquency, in the manner provided for by law. (1996 Code, § 6-204)

¹State law references

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

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-303. Certificate of occupancy required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (1996 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the City of Jefferson City without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax. (1996 Code, § 6-302)

5-303. Certificate of occupancy required. (1) All persons applying for a privilege license, as provided for in the preceding section, shall first show evidence of having a current certificate of occupancy at the address at which such privilege shall be exercised.

(2) The city recorder shall refuse all such applications for privilege licenses until such time as a certificate of occupancy is issued or until evidence of such is produced by the applicant. (1996 Code, § 6-303)

CHAPTER 4

WHOLESALE BEER TAX**SECTION**

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1996 Code, § 6-401)

¹State law reference

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

CHAPTER 5

PURCHASING

SECTION

- 5-501. Purchasing agent.
- 5-502. General procedures.
- 5-503. Rejection of bids.
- 5-504. Conflict of interest.
- 5-505. Purchases from employees.
- 5-506. Sealed bid requirements.
- 5-507. Competitive bidding.
- 5-508. Purchases and contracts less than \$500.00.
- 5-509. Bid deposit.
- 5-510. Performance bond.
- 5-511. Record of bids.
- 5-512. Considerations in determining bid award.
- 5-513. Statement when award not given low bidder.
- 5-514. Award in case of tie bids.
- 5-515. Back orders.
- 5-516. Emergency purchases.
- 5-517. Waiver of competitive bidding.
- 5-518. Property control.
- 5-519. Disposal of surplus property.
- 5-520. Employees participating in the disposal of surplus property.
- 5-521. Items consumed in the course of work or items thought to be worthless.
- 5-522. Items estimated to have monetary value.
- 5-523. Surplus property painted with city colors or with city emblems.
- 5-524. Definitions.

5-501. Purchasing agent. The city manager shall be the purchasing agent for the municipality. Except as otherwise provided by this chapter, all supplies, materials, equipment, and services of any nature whatsoever shall be acquired by the purchasing agent or his authorized representative. (1996 Code, § 6-501)

5-502. General procedure. Competitive bids on all supplies, materialists, equipment, services and contracts for public improvements, except those specified elsewhere in this policy, shall be obtained, whenever practicable, and the purchase or contract awarded to the lowest responsible bidder, provided that any or all bids may be rejected as prescribed by this policy. (1996 Code, § 6-502)

5-503. Rejection of bids. The purchasing agent shall have the authority to reject any and all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The purchasing agent shall not accept the bid of a vendor or contractor who is in default on the payment of taxes, licenses, fees, or other monies of whatever nature that may be due the city by said vendor or contractor. (1996 Code, § 6-503)

5-504. Conflict of interest. All employees who participate in any phase of the purchasing function are to be free of interests or relationships which are actually or potentially hostile or detrimental to the best interests of Jefferson City, and shall not engage in or participate in any commercial transaction involving the city, in which they have a significant financial interest. (1996 Code, § 6-504)

5-505. Purchases from employees. It shall be the policy of the city not to purchase any goods or service from any employee or close relative of any employee without prior approval of the city manager. (1996 Code, § 6-505)

5-506. Sealed bid requirements. (1) On all purchases and contracts in excess of \$5,000.00, except as otherwise provided for in this code, formal sealed bids shall be required to be submitted at a specified time and place to the purchasing agent. The purchasing agent shall submit the bids for award by the city council at the next regularly scheduled council meeting or special called council meeting together with the recommendation as to the lowest responsible bidder.

(2) Notice inviting bids shall be published once in a newspaper of general circulation in Jefferson County, and at least five (5) days preceding the last day of the receipt of bids. The newspaper notice shall contain a general description of the articles to be purchased, shall state where the written specifications may be secured, and the time and place for opening bids.

(3) In addition to publication in a newspaper, the purchasing agent may take any other actions deemed appropriate to notify all prospective bidders of the invitation to bid. This may be accomplished by delivery, verbally, by mail, or posting in a public place. (1996 Code, § 6-506)

5-507. Competitive bidding. (1) All purchases of supplies, equipment, services and contracts estimated to be in excess of five hundred dollars (\$500.00) but less than five thousand dollars (\$5,000.00), shall be by competitive bidding and may be awarded to the lowest responsible bidder. A written record shall be required and available for direct mail, telephone bids, or public notice. Such bids shall be received by the purchasing agent who shall award the bid to the lowest responsible bidder.

(2) The city recorder shall verify account balances, prior to purchasing agent approval, for all purchases over one thousand dollars (\$1,000).

(3) In the purchasing agent's absence, the city recorder shall approve the bid. (1996 Code, § 6-507)

5-508. Purchases and contracts less than \$500.00. The purchasing agent is expected to obtain the best prices and services available for purchases and contracts of less than \$500.00, but is exempted from formal bid requirement mentioned in the two previous sections. (1996 Code, § 6-508)

5-509. Bid deposit. When deemed necessary, bid deposits may be prescribed and noted in the public notices inviting bids. The deposit shall be in such amount as the purchasing agent shall determine and unsuccessful bidders shall be entitled to return of the deposits where such has been required. A successful bidder shall forfeit any required deposit upon failure on his part to enter a contract within ten (10) days after the award. (1996 Code, § 6-509)

5-510. Performance bond. The purchasing agent shall require a performance bond, before entering a contract, in such amount as he shall find reasonably necessary to protect the best interests of the city and furnisher of labor and materials in the penalty of not less than the amount provided in the Tennessee Code Annotated. (1996 Code, § 6-510)

5-511. Record of bids. The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, including a list of the bidders, the amount bid by each, and the method of solicitation and bidding and such records shall be open to public inspection and maintained in the city recorder's office.

The bid file shall contain the following information:

- (1) Request to start bid procedures.
- (2) A copy of the advertisement.
- (3) A copy of the specifications.
- (4) A list of bidders and their responses.
- (5) A copy of the purchase order.
- (6) A copy of the invoice. (1996 Code, § 6-511)

5-512. Considerations in determining bid award. In determining the lowest responsible bidder, in addition to price, the purchasing agent shall consider:

- (1) The ability of the bidder to perform the contract or provide the material or services required.
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

- (3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
- (4) The previous and existing compliance, by the bidder, with laws and ordinances relating to the contract or service.
- (5) The quality of performance of previous contracts or services.
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- (7) The ability of the bidder to provide future maintenance and service for the use of the supplies or contractual service contracted.
- (8) Terms and conditions stated in the bid.
- (9) Compliance with specifications.
- (10) Total cost of the bid, including expected life, maintenance costs, and performance.

AWARD SPLITTING--If total savings generated is less than \$200.00, do not split the bid award. (1996 Code, § 6-512)

5-513. Statement when award not given low bidder. When the award for purchases and contracts in excess of \$500.00 is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent or department head and filed with all the other papers relating to the transaction. (1996 Code, § 6-513)

5-514. Award in case of tie bids. (1) If all bids received are for the same total amount, quality and service being equal, the contract or purchase shall be awarded to a local bidder.

(2) Where a local vendor has not bid or where his bid is not one of the lowest tie bids, the purchasing agent shall award the contract to one of the bidders by drawing lots in public. (1996 Code, § 5-514)

5-515. Back orders. All orders must be completed, whether through complete fulfillment of the purchase order or through closing the purchase order with items not received. The non-delivered items will be cancelled from the purchase order and the check will be issued to the equal amount of the purchase order. (1996 Code, § 6-515)

5-516. Emergency purchases. When, in the judgment of the purchasing agent, an emergency exists, the purchasing provisions of this policy may be waived; provided, however, the purchasing agent shall report the purchases/contracts to the city council at the next regular council meeting stating the item, the amount paid, from whom the purchase was made, and nature of the emergency.

POOR PLANNING AND MANAGEMENT DOES NOT CONSTITUTE AN EMERGENCY. (1996 Code, § 6-516)

5-517. Waiver of competitive bidding. Upon recommendation of the city manager, that it is clearly to the advantage of the city not to contract by competitive bidding, the requirements of competitive bidding may be waived under the following circumstances:

(1) Single source of supply. The availability of only one vendor of a product or service within a reasonable distance of the city as determined after a complete search by the using department and the purchasing department. A written statement must be filed verifying single source supplier.

(2) State Department of General Services. These are purchases made through or in conjunction with the State Department of General Services (state contract). Municipalities may take advantage of the so-called "state prices" regardless of any charter or general law requirements, as provided by Tennessee Code Annotated, § 12-3-1001. These bids may be viewed on the monthly microfiche file received from the State of Tennessee.

(3) Purchases from other governments. Any municipality may purchase from any federal, state or local governmental unit or agency, second-hand articles of equipment or other materials, supplies, commodities, and equipment. The purchasing agent, all department heads, and city staff will be authorized to sign for these purchases. These purchases may be made without competitive bidding and public advertising regardless of charter requirements, as provided in Tennessee Code Annotated, § 12-2-1003.

(4) Purchases from non-profit corporations. Any municipality may purchase from any non-profit corporation whose sole purpose is to provide goods and services specifically to municipalities, such as Local Government Data Processing, as provided in Tennessee Code Annotated, § 12-2-1003.

(5) Purchases from Tennessee State industries.

(6) Purchases from instrumentalities created by two or more cooperating governments as provided in Tennessee Code Annotated, § 12-9-101.

(7) Certain insurance. Municipalities may purchase tort liability insurance, without competitive bidding from the Tennessee Municipal League, or any other plan authorized and approved by any organization by governmental entities representing cities and counties as provided in Tennessee Code Annotated, § 29-20-407.

(8) Investments in or purchases from the pooled investment fund established pursuant to Tennessee Code Annotated, § 9-17-105.

(9) Purchases of fuels, fuel products, or perishable commodities.

(10) Professional service contracts. Any services of a professional person or firm, including attorneys, accountants, physicians, architects, and consultants required by the city, whose fee is \$500.00 or more, shall be evidenced by written contract. The contract will be awarded on the basis of recognized competence and integrity, rather than on competitive bids. Competitive bidding shall be prohibited for such services as provided for in Tennessee Code Annotated, § 29-20-407.

(11) In those cases where city council indicates by formal unanimous resolution of those present at the meeting, based upon written recommendation of the city manager, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts. (1996 Code, § 6-517)

5-518. Property control. (1) A physical inventory of the city's property and equipment with a value of \$500.00 or greater will be taken annually. Any property, equipment, or infrastructure with a value of \$5,000.00 or greater and a life longer than the current year will be recorded as a fixed asset. A system of fixed asset records provides a simple method of positive identification for each piece of equipment. It prevents the purchase of:

- (a) Duplicate assets;
- (b) Provides a basis for insurance claims;
- (c) Reduces theft and negligence;
- (d) Sets replacement schedules for equipment; and
- (e) Tracks transfer or disposal of surplus property.

Any property and equipment that meets the criteria for a fixed asset shall be assigned an asset number and city property tag, have a completed property card, depreciated and inventoried annually. Any property and equipment with a value between \$500.00 and \$5,000.00 will be assigned a city property tag, have a completed property card and inventoried annually. Such records shall be controlled and maintained by the city recorder. (1996 Code, § 6-518, as amended by Ord. #2002-10, June 2002)

5-519. Disposal of surplus property. The purchasing agent shall be in charge of the disposal of surplus property and make a full report to the city council. When a department determines there is surplus equipment or materials within the department, he/she will notify the purchasing agent in writing of any such equipment. The purchasing agent may transfer surplus equipment or materials from one department to another. (1996 Code, § 6-519)

5-520. Employees participating in the disposal of surplus property. No city employee above the rank of foreman shall be permitted to bid on surplus property. (1996 Code, § 6-520)

5-521. Items consumed in the course of work thought to be worthless. City property which may be consumed in the course of normal city business and items thought to be worthless shall be disposed of in a like manner as any other refuse. These items shall be simply charged off as a routine cost of doing business. (1996 Code, § 6-521)

5-522. Items estimated to have monetary value. When disposing of items estimated to have monetary value, the purchasing agent shall follow the following procedures:

(1) Obtain from city council a resolution declaring said item(s) surplus property and fixing the date, time, and place for the purchasing agent to receive bids.

(2) A copy of the resolution shall be posted in three locations in the city.

(3) Such equipment or materials shall be sold to the highest bidder. In the event the highest bidder is unable to pay within twenty-four hours, the item shall be awarded to the second highest bidder.

(4) All pertinent information will be noted in the fixed asset records of the city as to the disposal of the items.

(5) The advertisement, bids, and property cards shall be retained for a minimum period of five years. (1996 Code, § 6-522)

5-523. Surplus property painted with city colors or with city emblems. No surplus city property painted with city colors and/or with a city emblem shall be disposed of unless it is repainted with colors other than those of the city and/or the emblem removed. (1996 Code, § 6-523)

5-524. Definitions. When used in the context of the purchasing manual and in the authorization of the purchase order, contractual agreements, invitations to bid, or other pertinent documents, the words, conditions and phrases below shall have the following meanings:

(1) "Accept." To receive with approval or satisfaction.

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

(3) "Agreement." A coming together in opinion or determination; understanding and agreement between two or more parties.

(4) "All or none." Jefferson City reserves the right to award each item individually or to award all items on an "all or none basis."

(5) "Annual." Recurring, done or performed every year.

(6) "Appropriations." Public funds set aside for a specific purpose.

(7) "Approved." To be satisfied with; admit the propriety or excellence of; to be pleased with; to conform, to ratify.

(8) "Approved equal." Alike; uniform; on the same plane or level with respect to efficiency, worth, value, amount or rights.

(9) "Attest." To certify to the verity of a public document formally by signature; to affirm to be true or genuine.

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

(11) "Awarded bidder." Any individual, company, firm, corporation, partnership, or other organization to whom an award is made by the city.

(12) "Back order." The portion of a customer's order undelivered due to temporary unavailability of a particular product or material.

(13) "Bid." A vendor's response to an invitation for bids; the information concerning the price or cost of materials or services offered by a vendor.

(14) "Bidder." Any individual, company, firm, corporation, partnership or other organization or entity bidding on solicitations issued by the purchasing agent offering to enter into contracts with the city. The term "bidder" will be used throughout this document and shall be construed to mean "offeror" where appropriate.

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

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

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

(18) "Bid solicitation." Invitations for bids.

(19) "Blanket bid" (order). A type of bid used by buyers to purchase repetitive products. The city establishes its need of a product for a specified time. The vendor is then informed of the city's expected usage duration of the contract. The city will order small quantities of these items from the vendor over the life of the contract.

(20) "Business." Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or legal entity through which business is conducted.

(21) "Cancel." To revoke a contract or bid.

(22) "Capital items." Equipment which has an expected lifespan of one year or longer and a value (usually) in excess of \$1,000.00.

(23) "Cash discount." A discount from the purchase price allowed to the purchaser if payment is made within a specified time.

(24) "Caveat emptor." Let the buyer beware; used in proposals or contracts to caution a buyer to avoid misrepresentation.

(25) "Certify." To testify in writing; to make known or establish as a fact.

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

(27) "Conspicuously." To be prominent or obvious; located, positioned, or designed to be noticed.

(28) "Construction." The building, alteration, demolition or repair (including, but not limited to, dredging, excavating and painting) of public

buildings, structures and highways and other improvements or additions to real property.

(29) "Contract." An agreement, grant or order for the procurement, use, or disposal of supplies, services, construction, insurance, real property or any other item.

(30) "City." Jefferson City, Tennessee.

(31) "Data." Recorded information, regardless of form or characteristic.

(32) "Delivery schedule." The required or agreed upon rate of delivery of goods or services.

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

(34) "Encumber." Reserve funds against a budgeted line item; to charge against an account.

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

(36) "Fiscal year." An accounting period of 12 months, July 1 through June 30.

(37) "F.O.B. destination." An abbreviation for "free on board" that refers to the point of delivery of goods. The seller absorbs transportation charges and retains title to and responsibility for the goods until Jefferson City has received and signed for the goods.

(38) "Goods." All materials, equipment, supplies, printing.

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

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

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

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

(43) "Material receiving report." A form used by the receiving function of an agency to inform others of the receipt of goods purchased.

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

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

(46) "Procurement of purchasing." Buying, renting, leasing, or otherwise obtaining supplies, services, construction, insurance or any other

item. It also includes all functions that pertain to the acquisition of such supplies, services, construction, insurance or any other items, including description of requirements, selection and solicitation of sources, preparation and award of contract, contract administration, and all phases of warehousing and disposal.

(47) "Public." Open to all.

(48) "Public purchasing unit." Means the State of Tennessee, any county, city, town, governmental entity and other subdivision of the State of Tennessee, or any public agency, or any other public authority.

(49) "Purchase order." A legal document used to authorize a purchase from a vendor. A purchase order, when given to a vendor, should contain statements about the quantity, description, and price of goods or services ordered; agreed terms of payment, discounts, date of performance, transportation terms, and all other agreements pertinent to the purchase and its execution by the vendor.

(50) "Reject." Refuse to accept, recognize, or make use of; repudiate, to refuse to consider or grant.

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

(52) "Sealed." Secured in any manner so as to be closed against inspection of contents.

(53) "Sealed bids." Written proposals or offers which are submitted by potential vendors before a certain date to a purchasing agent who has provided complete information regarding specifications and quantities required.

(54) "Sole source procurement." An award for a commodity which can only be purchased from one supplier, usually because of its technological, specialized, or unique character.

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

(56) "Standardization." The making, causing, or adapting of items to conform to recognized qualifications.

(57) "Telephone bids." Contacting one or more vendors to obtain oral quotes for items of a value less than \$500.00.

(58) "Vendor." The person who transfers property, goods, or services by sale. (1996 Code, § 6-524)

CHAPTER 6

FUNDS FOR NONPROFIT ORGANIZATIONS

SECTION

- 5-601. Eligible organizations.
- 5-602. Application for funds.
- 5-603. Annual report required.
- 5-604. Payment amounts.
- 5-605. Board shall adopt resolution.
- 5-606. Use of funds.
- 5-607. Compliance with chapter, etc., required.

5-601. Eligible organizations. The city will appropriate funds to only those nonprofit charitable and nonprofit civic organizations, classified under sections 501(c)(3), (4), or (6) by the Internal Revenue Service, that provide service benefitting the general welfare of the residents of the municipality and as defined by the statute cited above or any subsequent statute relating to this issue. (Ord. #98-20, Nov. 1998)

5-602. Application for funds. The budget document of the municipality shall include the name of each nonprofit charitable or nonprofit civic organization and the specific amount appropriated for each organization. Each nonprofit charitable and nonprofit civic organization must make an application for funds prior to March 1st of the fiscal year in which they desire funds. This application must contain the name, address and telephone number of the person in the organization responsible for reporting to the city, an outline of its program which serves the municipality, the proposed use of the requested funds, a copy of the financial statement/audit of the organization from the previous year, the board members, officers of the corporation and their addresses, the number of persons served by the organization and their residency (Jefferson City or County), from which entities funds are sought and the amounts the organization has requested from them, and a copy of the I.R.S. letter advising of the entities' 501(c)(3), (4), or (6) status. In the event that city council finds it appropriate, it may, by majority vote, waive the March 1st deadline. (Ord. #98-20, Nov. 1998, as amended by Ord. #2008-11, Sept. 2008)

5-603. Annual report required. Each nonprofit charitable or nonprofit civic organization receiving financial assistance from the city must file with the disbursing official of the municipality a copy of an annual report of its business affairs and transactions including an audit and the proposed use of the contributed funds prior to any budgeted funds being disbursed to that organization. (Ord. #98-20, Nov. 1998)

5-604. Payment amounts. Payments to nonprofit charitable or nonprofit civic organizations shall be limited to the amounts appropriated in the budget for such purposes and in keeping with the following city guideline as well as those listed in the resolution providing for disbursement of funds to that organization. (Ord. #98-20, Nov. 1998)

5-605. Board shall adopt resolution. A special resolution shall be adopted stating the purpose for which funds are being appropriated, for each nonprofit charitable organization or nonprofit civic organization that is to receive municipal funds prior to their disbursement. The resolution as to a nonprofit civic organization shall not be passed until after a notice specifying the amount to be donated and the purposes for which it will be spent is published in a newspaper of general circulation in the municipality. (Ord. #98-20, Nov. 1998)

5-606. Use of funds. The following guideline shall apply to all donated funds in addition to any guidelines specified by the resolution required above. All funds must be used to promote the general welfare of municipal residents. (Ord. #98-20, Nov. 1998)

5-607. Compliance with chapter, etc., required. No contribution will be made to those organizations which do not fully comply with this chapter, state laws and the regulations issued by the state comptroller's office. (Ord. #98-20, Nov. 1998)

TITLE 6**LAW ENFORCEMENT****CHAPTER**

1. POLICE AND ARREST.
2. CITATIONS, WARRANTS, AND SUMMONSES.
3. WORKHOUSE.

CHAPTER 1**POLICE AND ARREST¹****SECTION**

- 6-101. Qualifications of policemen.
- 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. Disposition of persons arrested.
- 6-108. Police department records.

6-101. Qualifications of policemen. (1) There are hereby established the following standards of qualification for employment in the police department of Jefferson City, Tennessee. Each policeman must:

- (a) Be a citizen of the United States and a resident of the State of Tennessee during tenure of office.
- (b) Be a high school graduate or its equivalent.
- (c) Not have been convicted of a felony or of a misdemeanor involving "moral turpitude" as the term is defined by law and not have been released or discharged under any other than honorable conditions from any of the armed forces of the United States.
- (d) Have his fingerprints on file with the Tennessee Bureau of Criminal Identification.
- (e) Have passed a physical examination by a licensed physician within sixty (60) days before the date of employment and must furnish

¹Municipal code reference

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

the chief of police with a certificate of physical examination signed by a licensed physician.

(f) Have a good moral character as determined by investigation.

(g) Be free from all latent or apparent mental or emotional disorders, as verified by a qualified professional.

(2) Police department employees shall not report for duty under the influence of beer, liquor, or narcotics. Any such employee suspected of being under the influence of beer, liquor, or narcotics while on duty shall be required to submit to a urine, blood, or breath analysis, and by accepting employment in the police department gives consent to such analysis. Any employee of the police department refusing to submit to such analysis shall be subject to disciplinary action including discharge. (1996 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. (1996 Code, § 1-402)

6-103. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1996 Code, § 1-403)

6-104. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the city council shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1996 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 policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1996 Code, § 1-405)

6-106. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1996 Code, § 1-406)

6-107. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving

drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1996 Code, § 1-407)

6-108. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1996 Code, § 1-408)

CHAPTER 2

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-201. Citations in lieu of arrest in non-traffic cases.

6-202. Summonses in lieu of arrest.

6-201. Citations in lieu of arrest in non-traffic cases.¹ Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the city council appoints the fire inspector and the building inspector in the building department special police officers having the authority to issue citations in lieu of arrest. The fire inspector shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7 of this municipal code of ordinances. The building inspector in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

1. Have a summons issued by the clerk of the city court, or
2. May seek the assistance of a police officer to witness the violation.

If the violation is a misdemeanor under state law, the police officer who witnesses the violation may issue a citation to the General Sessions Court for Jefferson City in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-107 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (Ord. #98-21, Nov. 1998)

6-202. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the city council to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates

¹Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

the building inspector in the building department to issue ordinance summonses in those areas. The enforcement officer may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. If the violation is a misdemeanor under state law, the police officer who witnesses the violation may issue a citation to general sessions court in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-201 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (Ord. #98-21, Nov. 1998)

CHAPTER 3**WORKHOUSE****SECTION**

6-301. County workhouse or city jail to be used.

6-302. Inmates to be worked.

6-303. Compensation of inmates.

6-301. County workhouse or city jail to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. The city jail may also be used as a workhouse in the discretion of the city judge. (1996 Code, § 1-601)

6-302. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform public work or labor. (1996 Code, § 1-602)

6-303. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him. (1996 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all the areas in the general business district as shown on the zoning map of the city. (1996 Code, § 7-101)

¹Municipal code reference
Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. International Fire Code adopted.
- 7-202. Amendments to the 2012 International Fire Code.
- 7-203. Enforcement.
- 7-204. Available in recorder's office.
- 7-205. Violations.

7-201. International Fire Code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2012 edition, and appendices B, C, D, E, and F as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "International Fire Code" or the "fire prevention code." (1996 Code, § 7-201, as amended by Ord. #98-30, Feb. 1999, and replaced by Ord. #2009-18, Sept. 2009, and Ord. #2013-20, Dec. 2013)

7-202. Amendments to the 2012 International Fire Code.

Section [A] 101.1 Title.

Delete "[Name of Jurisdiction]" and insert "City of Jefferson City, Tennessee" in its place.

Section [A] 101.2.1 Appendices.

Insert "the following Appendices are specifically included in this adoption. All others are excluded.

- Appendix B Fire-Flow Requirements for Buildings
- Appendix C Fire Hydrant Locations and Distribution
- Appendix D Fire Apparatus Access Roads
- Appendix E Hazard Categories
- Appendix F Hazard Ranking"

Section [A] 102.7.1 Conflicts

¹Municipal code reference

Building, utility and housing codes: title 12.

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

Between "code" and "and" add "NFPA 101,"

Section [A] 102.7.2 Provisions in referenced codes and standards.

Insert "as approved by the fire code official" at the end of the sentence before the period.

Section [A] 103.1 General.

At the end of the section insert "This department shall be known as the Jefferson City Fire Department"

Section [A] 108.1 Board of Appeals established.

Insert after the last sentence "The Board of Appeals shall be the same as established and regulated by the 2012 International Building Code."

Section [A] 109.4 Violation penalties.

Delete "guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

Section [A] 111.4 Failure to comply.

Delete "liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 401.3.1 Fire Events Insert new section to read: Section 301.3.1.1 Other Emergencies. In the event of any other emergency to which the fire department will respond to a property, the owner or occupants shall immediately notify the fire department."

Section 507.5 Fire hydrant systems.

Change the "6" and the end of the sentence to "7" and add a new section as follows: Section 507.5.7 Hydrant Removal. Fire hydrants required by this code or otherwise installed shall not be removed without the approval of the fire code official."

Section 507.5.1 Where required.

Add a new section as follows: "Section 507.5.1.1 Fire hydrants required. Fire hydrants shall be available at a distance of not more than 600 feet to all new dwellings within new residential developments/subdivisions or a manufactured housing parks containing more than four dwellings. Two copies of a site utility plan and designs showing the layout of all underground main and all fire hydrant locations shall be submitted by the owner/developer for review by the fire code official. Exception: Dwellings or manufactured houses equipped with

an automatic sprinkler system, installed and tested in accordance with NFPA 13D or 13R."

Section 507.5.4 Obstruction.

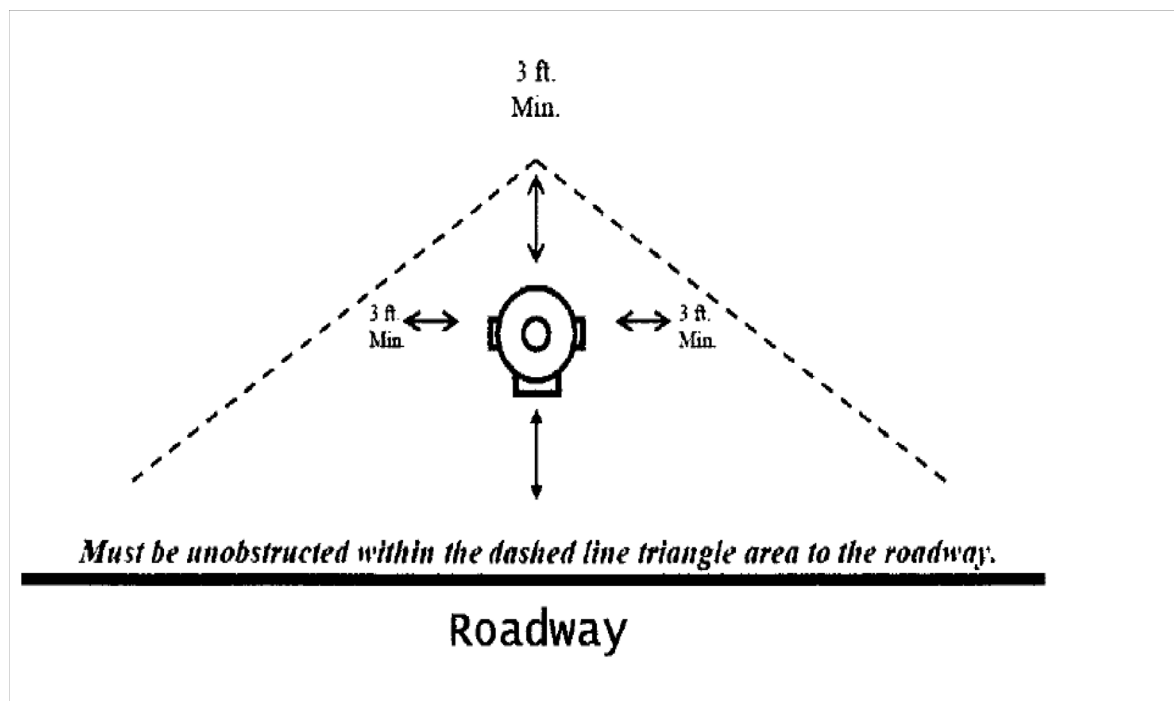
At the end of the section insert "Fire hydrants shall be maintained unobstructed in accordance with the Detail 507.5.5(1)."

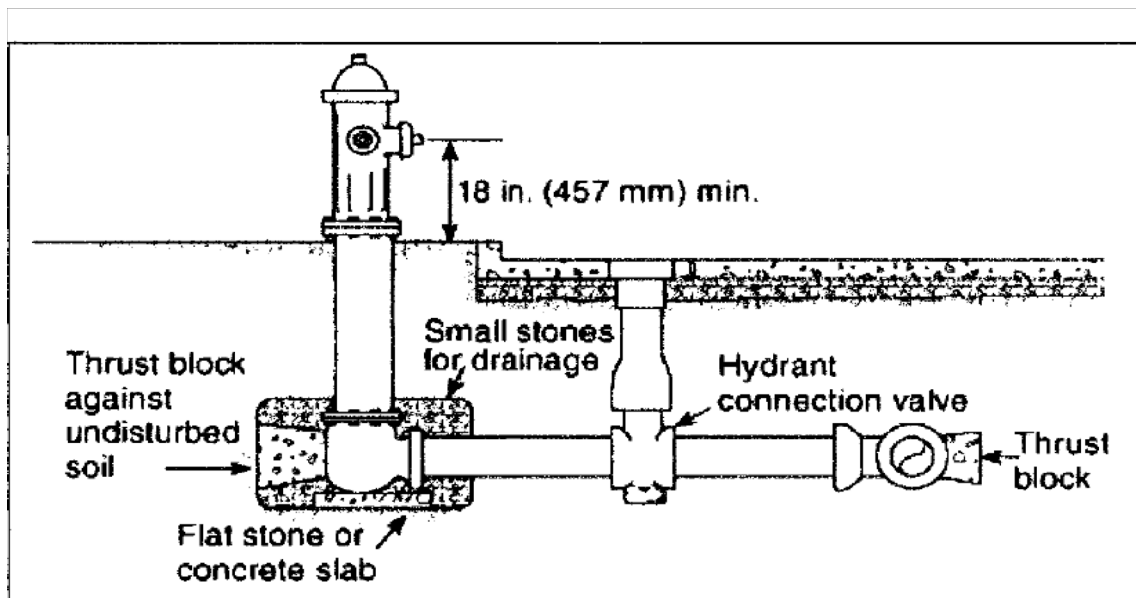
Section 507.5.5 Clear space around hydrants.

At the end of the section, before the period, insert "by the fire code official. Fire hydrants shall be maintained unobstructed in accordance with Detail 507.5.5(1)."

Insert new detail as follows:

"Detail 507.5.5(1)





Add Section 511 Identification of structural construction. Structural construction types shall be identified by an approved sign or signs, in accordance with the provisions of this section.

511.1 Signs. Signs shall be affixed where a building or a portion thereof is classified as Group A, B, E, F, H, I, M, R-1, R-2, R-4 or S occupancy. The owner of the building shall be responsible for the installation of the sign. xxx.2 New buildings and buildings being added to. Signs shall be provided in newly constructed buildings and in existing buildings where an addition that extends or increases the floor area of the building. Signs shall be affixed prior to the issuance of a certificate of occupancy or a certificate of compliance.

511.2 New buildings and buildings being added to. Signs shall be provided in newly constructed buildings and in existing buildings where an addition that extends or increases the floor area of the building. Signs shall be affixed prior to the issuance of a certificate of occupancy or a certificate of compliance.

511.3 Existing buildings. Signs shall be provided in existing buildings. Signs shall be affixed within ninety days of being notified in writing by the Fire Code Official.

511.4 Contents of signs. Signs shall consist of a diagram 6 inches (152.4 mm) in height and width, with a stroke width of 1/4 inch (6.4 mm). The sign background shall be reflective white in color. The diagram and contents shall be reflective red in color, conforming to Pantone matching system (PMS) #187. Where a sign is directly applied to a door or sidelight, it may be a permanent non-fading

sticker or decal. Signs not directly applied to doors or sidelights shall be of sturdy, non-fading, weather resistant material.

511.5 Identification of construction classification. Signs shall contain the roman alphanumeric designation of the construction classification of the building, in accordance with the provisions for the classification of types of construction (types I through V) of the building code. The roman numeral designating construction classification shall be 1 inch (25.4 mm) minimum in height and have a stroke width of 1/4 inch (6.4 mm) minimum, and it shall be reflective white in color on a background of reflective red.

511.6 Identification of year of construction. Signs shall indicate the building's year of construction or major reconstruction. The arabic numeral indicating year of construction shall be 1 inch (25.4 mm) minimum in height and have a stroke width of 1/4 inch (6.4 mm) minimum, and it shall be reflective white in color on a background of reflective red.

511.7 Identification of structural construction types. Signs shall contain the alphabetic designations identifying the structural construction types used in the building, as follows:

"W" shall mean sawn joist/rafter construction, wood members

"I" shall mean engineered I-joist construction, wood members

"S" shall mean steel construction

"T" shall mean truss type construction

"C" shall mean concrete construction

Section 901.6 Inspection, testing and maintenance.

At the end of the section, before the period, add "only with the approval of the fire code official."

Section 901.6.2 Records.

At the end of the section, delete the words "upon request" and insert the words "within 10 days of any inspection, test or maintenance."

Section 901. 7 Systems out of service.

In the first sentence, after "required" add "otherwise installed" and add a new section as follows: Section 901.7.7 Fire protection system activation. The activation or use of any fire protection or device in connection with the control or extinguishment of a fire shall be reported to the fire code official. Such report shall be made by the owner and contractor of the premises in which the system or device is installed and by the contractor or service firm responsible for restoring the system to normal operation or servicing the actuated system or unit. The owner or contractor shall report its use and performance as required by 901. 7 to the fire code official immediately."

Section 903.2.8 Group R.

At the end of the section add: "Exception: This section shall not apply to detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height where each dwelling extends from the foundation to the roof, is open on at least two sides with each dwelling having a separate means of egress and their accessory structures as regulated by the 2012 International Residential Code."

Section 906.1 Where required.

Delete the Exception section under Section 906.1(1) in its entirety.

Section 907.1.2 Fire alarm shop drawings.

At the end of the section insert:

"14. A point to point wiring diagram for all devices."

"15. A riser diagram showing the zones for all devices connected to the control panel."

Section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more. Replace "1,000 or more" with "more than 300" in the title and in the code section.

Section 907.2.11.1 Group R-1

Insert "4. In each garage or storage area with a six foot or wider door to the outside."

Section 907.2.11.2 Groups R-2,R-3, R04 and I-1.

Insert "4. In each garage or storage area with a six foot or wider door to the outside."

Section 912.2.1 Visible location.

After the words "street side" add "(addressed side)". At the end of the section add "The fire department connection shall be identified by a permanent approved sign which shall have the letters "FDC" at least 6" high in red on a white background."

Section 912.2 Location.

Add a new section as follows: 912.2.3 Hazards. Gas meters, propane cylinders, electrical devices or any other product or device that could become a fire, explosion or electrical hazard shall be located a minimum of 15 feet from connections."

Section 912.3 Access.

After the word "walls" insert "gas meters".

Section 912.3.2 Clear space around connections.
Delete all after the word "required" and add "in section 912.2.3."

Chapter 11 Construction Requirements For Existing Buildings
Delete Chapter 11 in its entirety.

Section B104 Fire-Flow Calculation Area.
Delete the entire section.

Section B105 Fire-Flow Requirements for Buildings.
Delete Table

Section D103.1 Access road width with a hydrant.
Delete Section D103.1, including the title and figure D103.1, in its entirety, and replace with "D103.1 Fire apparatus access roads. All fire apparatus access roads shall meet or exceed the City of Jefferson City Minimum Subdivision Regulations."

Section D103.2 Grade.
Delete Section D103.2 in its entirety.

Section D103.3 Turning radius.
Delete Section D103.3 in its entirety.

Section D103.4 Dead ends.
Delete Section D103.4, including Table D103.4, in its entirety.

Section D103.5 Fire apparatus access road gates.
Re-number Section D103.5 to D103.2.

Section D103.6 Signs.
Delete Section D103.6, including Figure D103.6, in its entirety.

Section D106.1, Projects having more than 100 dwelling units.
Replace "100" with "125" where it appears in the title and in the section.

Section D107 One- or Two-Family Residential Developments
Delete Section D107 in its entirety.
(1996 Code, § 7-202, as replaced by Ord. #2013-20, Dec. 2013)

7-203. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department or his designee. He shall have the same powers as the state fire marshal. (1996 Code, § 7-203, as replaced by Ord. #2009-18, Sept. 2009, and Ord. #2013-20, Dec. 2013)

7-204. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Fire Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1996 Code, § 7-204, as amended by Ord. #96-60, Feb. 1997, and Ord. #98-30, Feb. 1999, repealed by Ord. #2009-18, Sept. 2009, and replaced by Ord. #2013-20, Dec. 2013)

7-205. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (as added by Ord. #2009-18, Sept. 2009, and replaced by Ord. #2013-20, Dec. 2013)

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. Training and salary incentive program.
- 7-306. Chief to be assistant to state officer.
- 7-307. Volunteer members of the fire department.
- 7-308. Rural fire service.
- 7-309. Pumper trucks prohibited from connecting to restrictive fire hydrants.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the city council shall appoint in accordance with fire protection policies established by the city council. (1996 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 practicable. (1996 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1996 Code, § 7-303)

¹Municipal code reference

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

7-304. Records and reports. The chief of the fire departments are to keep records of all fires, inspections, apparatus, equipment, personnel, and work of the department, training, and such other records as required by the city manager each month, and at the end of the year a detailed annual report shall be made. (1996 Code, § 7-304)

7-305. Training and salary incentive program. (1) To ensure that adequately trained personnel are available to handle Jefferson City fire related emergencies, the city is hereby sponsoring

(a) Forty (40) of annual in-service training, approved by the Tennessee Fire Fighting Commission, and

(b) A program to certify full-time personnel for basic fire fighter training.

(2) The city manager is directed to see that a forty hour annual in-service training program, approved by the Tennessee Fire Fighting Commission, is developed and that each full-time firefighter successfully completes the in-service training. The State of Tennessee provides a \$450 annual salary supplement for all full-time fire fighters who complete the training.

(3) The city manager is directed to see that the certification program, under the Tennessee Fire Fighting Commission, is set up in the Jefferson City Fire Department.

(4) Existing personnel, who have had parallel training in basic fire fighting, are required, as a minimum, to successfully pass the test given by the Tennessee Fire Fighting Commission for certification as a fire fighter II. Each fire fighter who successfully passes the test and is certified by the Tennessee Fire Fighting Commission shall be automatically advanced one step in pay grade. Full-time fire fighters will be allowed to repeat a maximum of three times.

(5) Fire fighter recruits, who are not certified by the commission, shall be required to pass the test for certification as fire fighter I at the end of one year, and they may repeat the test a maximum of three times. At the end of the second year of employment, the fire fighter recruit must pass the fire fighter II test. The test may be repeated a maximum of three times.

(6) Volunteer fire fighters may participate in in-service training and certification courses and testing, and the city will pay materials expenses. Since volunteer fire fighters do not receive a salary, neither the state nor the city is authorized to pay salary supplements to volunteers. (1996 Code, § 7-305, modified)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by

Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1996 Code, § 7-306, modified)

7-307. Volunteer members of the fire department. In addition to the full-time firemen, the fire chief shall appoint such number of volunteer firemen as is necessary to carry out the fire protection policies of the city council. The volunteer firemen shall be under the supervision of the fire chief. The fire chief shall provide for assignment of volunteers and shall establish rules and regulations for their involvement in the fire service operations of the city. (1996 Code, § 7-307)

7-308. Rural fire service. (1) The City of Jefferson City will not provide fire services outside its corporate limits after June 30, 1982 with the exception that fire service shall be continued for any industrial building fire occurring within one-half of the city limits of Jefferson City, said service being contingent upon the affected industry having entered into a prior written agreement to pay to Jefferson City a fee of \$200.00 per fire call. No member of the fire department or any officer or employee of the city shall order or cause any fire equipment to be taken outside the corporate limits of the city in response to a fire service call, except as provided within this section and in subsection 2, after said date.

(2) Where mutual aid agreements have been signed or are adopted by the city in the future, between the city and other cities or volunteer fire departments, the fire chief is hereby authorized to respond to calls for service outside the corporate limits when the call is from another fire department with which the city has a mutual aid agreement. (1996 Code, § 7-308)

7-309. Pumper trucks prohibited from connecting to restrictive fire hydrants. (1) The Jefferson City Fire Department is prohibited from connecting to restrictive fire hydrants--hydrants which cannot produce 500 gpm at 20 psi.

(2) Volunteer fire departments which serve an area outside the city, where fire hydrants are located on Jefferson City water lines, shall submit written statements to the city manager indicating that they understand this ordinance or policy and agree not to connect a pumper truck to those hydrants which cannot produce 500 gpm at 20 psi residual pressure.

(3) In those areas outside the city where volunteer fire departments fail to sign a statement agreeing not to connect a pumper truck to the fire hydrants reference in (2) above, the city manager is authorized and directed to remove the fire hydrants and notify local and area insurance offices that the hydrants have been removed.

(4) Tanker trucks may connect to restrictive fire hydrants where they can take water by gravity flow without pumping from the fire hydrant. Pumper trucks that are modified so that water flows from the fire hydrant by gravity

flow into the water tank on a pumper may be used, provided the fire department provides Jefferson City a written statement that it has modified its pumpers and has implemented policies to ensure that the pumper will not pump directly from the fire hydrant.

(5) The city manager is directed to forward, by certified mail, a copy of § 7-309 of the Jefferson City Municipal Code to all volunteer fire departments and other emergency service agencies, including the Jefferson County Sheriff's Office, that may serve areas where Jefferson City fire hydrants are located and to publish a copy of Ordinance 93-34 in a newspaper of general circulation in Jefferson County.

(6) The city manager is directed to inform the volunteer fire departments and other emergency service agencies of the location of each fire hydrant that does not meet state requirements. (1996 Code, § 7-309)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definition of fireworks.
- 7-402. Manufacture or sale of fireworks prohibited.
- 7-403. Discharge of fireworks prohibited.
- 7-404. Special fireworks displays permitted.

7-401. Definition of fireworks. "Fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a viable or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper cups containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns for use of such caps, the sale and use of which shall be permitted. (as added by Ord. #2003-10, Nov. 2003)

7-402. Manufacture or sale of fireworks prohibited. It shall be unlawful to manufacture or sell fireworks within the city limits of Jefferson City. (as added by Ord. #2003-10, Nov. 2003)

7-403. Discharge of fireworks prohibited. It shall be unlawful for any person to fire, set off, or otherwise discharge fireworks within the city limits of Jefferson City except as otherwise provided in this chapter. (as added by Ord. #2003-10, Nov. 2003)

7-404. Special fireworks displays permitted. Fireworks displays may be permitted for special events, such as civic and holiday celebrations. These public fireworks displays shall be governed by the provisions of Tennessee Code Annotated, § 68-104-07 and required permits shall be obtained from the state fire marshall and the Jefferson City Manager or his designated representative. (as added by Ord. #2003-10, Nov. 2003)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. LIQUOR STORES.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definition of "alcoholic beverages."
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the city clerk.
- 8-105. Public consumption of intoxicating liquors or alcoholic beverages prohibited.
- 8-106. Manufacture of intoxicating liquors, intoxicating drinks, and high alcohol content beer.
- 8-107. Municipal inspection fee imposed.

8-101. Definition of "alcoholic beverages." As used in this chapter, unless the context indicates otherwise: "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (1996 Code, § 2-101, as replaced by Ord. #2015-02, Feb. 2015)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Jefferson City, Tennessee. Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Jefferson City, Tennessee, the same

¹State law reference

Tennessee Code Annotated, title 57.

as if said code sections were copied herein verbatim. (as added by Ord. #2015-02, Feb. 2015)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Jefferson City alcoholic beverages for consumption on the premises where sold. (as added by Ord. #2015-02, Feb. 2015)

8-104. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Jefferson City shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #2015-02, Feb. 2015)

8-105. Public consumption of intoxicating liquors or alcoholic beverages prohibited. None of the beverages regulated by this chapter shall be consumed upon any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school nor upon any park or public grounds nor upon any vacant lot within two hundred feet (200') of any public street, highway, avenue, or other public place.

Despite the provisions of this section, possession and consumption of beer is permitted during certain city sponsored or co-sponsored special events within the physical parameters of the special event zone during the time of the special event if otherwise provided by resolution of the city council. (as added by Ord. #2015-02, Feb. 2015)

8-106. Manufacture of intoxicating liquors, intoxicating drinks, and high alcohol content beer. Intoxicating liquors, intoxicating drinks and high alcohol content beer as defined by state law may be manufactured within the corporate limits upon:

- (1) Payment of a privilege tax to the city as required by law;
- (2) The issuance by the city of a license authorizing the manufacturing facility to operate; and

(3) Proper licensure from the alcoholic beverage commission. Such local license shall be considered and granted, if appropriate, by city council and issued by the city recorder if all requirements under state law for the applicant to manufacture intoxicating liquors, intoxicating drinks and/or high alcohol content beer are met. The applicant shall provide all information for such license applications required by the city recorder. (as added by Ord. #2015-02, Feb. 2015)

8-107. Municipal inspection fee imposed. (1) An inspection fee for the city to inspect the retail store of a manufacturer of high alcohol content beer within the city limits is hereby imposed at a rate of fifteen percent (15%). A manufacturer of high alcohol content beer shall obtain a retail license to sell its products manufactured on the manufacturer's premises. Such inspection fee shall be imposed at the wholesale price of the high alcohol content beer supplied by the wholesaler for those products manufactured and sold by the manufacturer at its retail store.

(2) Further, an inspection fee is hereby levied on a manufacturer of alcoholic beverages other than high alcohol content beer to the extent that such manufacturer is a licensed retailer of alcoholic beverages other than high alcohol content beer within the municipality. The inspection fee is hereby set at eight percent (8%) of the wholesale price of the alcoholic beverages other than high alcohol content beer supplied by the wholesaler as provided by state law. (as added by Ord. #2015-02, Feb. 2015)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Contents of application.
- 8-209. Issuance of permit.
- 8-210. Notice.
- 8-211. Beer permits shall be restrictive.
- 8-212. Prohibited conduct or activities by retail holders.
- 8-213. Revocation or suspension of beer permits.
- 8-214. Civil penalty in lieu of revocation or suspension.
- 8-215. Loss of clerk's certification for sale to minor.
- 8-216. Clubs.
- 8-217. Privilege tax.
- 8-218. Violations.
- 8-219. Transfer of permits.
- 8-220. Limitation on number of permits.

8-201. Beer board established. The Jefferson City Beer Board shall be composed of the sitting members of city council, with the mayor serving as chairman. Members shall receive no compensation for serving on the beer board. (1996 Code, § 2-201, as replaced by Ord. #2005-06, June 2005)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a five (5) day notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1996 Code, § 2-202)

¹State law reference

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

8-203. Record of beer board proceedings to be kept. The recorder shall be the secretary ex officio without the power to vote and shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1996 Code, § 2-203)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1996 Code, § 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (1996 Code, § 2-205)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101(a)(20); provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (1996 Code, § 2-206, as amended by Ord. #2007-18, Jan. 2008)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-107(a), shall be accompanied by the non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Jefferson City. Each applicant must be a person of good moral character and must certify that he has read and is familiar with the provisions of this chapter. Each applicant must, at the applicant's expense, submit a criminal history background check performed by the Tennessee Bureau of Investigation. If the applicant is a corporation, the background check shall be conducted on the

manager of the establishment where beer will be sold. (1996 Code, § 2-207, as amended by Ord. #2007-18, Jan. 2008)

8-208. Contents of application. Before any person, firm, corporation, joint-stock company, syndicate, or association shall be authorized to sell, store, and/or manufacture such beer and/or beverages as prescribed herein, he shall apply to the beer board and shall establish:

(1) The name, age, and address of the applicant and all of the persons having an interest in the business, and shall give an apt description which definitely locates the proposed place of business.

(2) That no such beverage will be sold in a congested area; within three hundred (300) feet of a school; within one hundred fifty (150) feet of a church or other place of public gathering; closer than sixty (60) feet to a residence; or where such sale shall interfere with the public health, safety, and morals. Measurements shall be actual "walk off" measurements and shall not be determined by GIS measurements.

(3) That no sale shall be made to persons under twenty-one (21) years of age. (Tennessee Code Annotated, § 57-4-105.)

(4) That neither the applicant nor any persons employed by him in such distribution or sale shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years.

The application shall distinctly state whether the person so applying will conduct the business in person, or whether he is acting as agent for any other person, firm, corporation, syndicate, association, or joint-stock company, and any person making false statement in said application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years.

Any applicant for a permit to see beer pursuant to this chapter shall be liable for the payment of the cost of any survey necessary to determine if the applicant meets the footage requirements of this chapter. Upon request of the Jefferson City Beer Board, an applicant shall submit a certified copy of a survey showing the applicant's distance from the nearest school, church, place or public, gathering, or residence as measured in a straight line from the nearest points, building to building, between the building where beer will be sold to the building of the nearest school, church, place of public gathering, or residence. The term "school" does not include private pre-school, private day care, home school, college, or university. (1996 Code, § 2-208, modified, as amended by Ord. #2002-09, May 2002, and Ord. #2007-18, Jan. 2008)

8-209. Issuance of permit. Any applicant seeking a permit under this chapter and who complies with the conditions and provisions hereof shall have issued to him the necessary permit, and in the event said permit is refused, the applicant shall be entitled to a hearing on his application for the issuance of a

permit. The refusal to grant a permit may be reviewed as provided by law. (1996 Code, § 2-209)

8-210. Notice. Before the beer board shall issue a permit under this chapter, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such permit and the date and time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a permit. (1996 Code, § 2-210)

8-211. Beer permits shall be restrictive. (1) All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board or enacted by ordinances. Permits are to be renewed annually on a calendar basis.

(2) An on premises consumption permit shall be issued only to the permit holder whose business is:

- (a) Primarily a restaurant or eating place,
- (b) Able to seat a minimum of forty (40) people, including children, in booths and at tables in addition to other seating it may have,
- (c) Have at least seventy five percent (75%) of all seating in the interior of the building under a permanent roof, and
- (d) Have monthly beer sales that shall not exceed fifty percent (50%) of the total sales (1996 Code, § 2-211, as amended by Ord. #2007-18, Jan. 2008, and Ord. #2015-02, Feb. 2015)

8-212. Prohibited conduct or activities by retail holders.

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

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. This provision shall not apply to grocery stores selling beer for off-premises consumption only.

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M. on Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

- (4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (5) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- (6) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (8) Allow drunk or disreputable persons to loiter about his premises.
- (9) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (10) In the case of on premises consumption permits, fail to provide and maintain separate sanitary toilet facilities for men and women. (1996 Code, § 2-212, as amended by Ord. #2007-18, Jan. 2008, and Ord. #2015-02, Feb. 2015)

8-213. Revocation or suspension of beer permits. (1) The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after five (5) days notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

(2) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked, by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon the notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years. (1996 Code, § 2-213, as amended by Ord. #2007-18, Jan. 2008)

8-214. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage

Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

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

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

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1996 Code, § 2-214, as amended by Ord. #2003-21, Jan. 2004, and replaced by Ord. #2007-18, Jan. 2008)

8-215. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (1996 Code, § 2-215, as replaced by Ord. #2007-18, Jan. 2008)

8-216. Clubs. Clubs, as defined in Tennessee Code Annotated, § 57-4-102, selling liquor shall first apply to the city council for a certificate of good moral character and shall meet all zoning and building regulations and codes of the city. In addition, no such club shall locate in a congested area; within two thousand feet of a school (either public or private), church, or other place of public gathering; closer than five hundred feet to a residence; or where such sale will interfere with the public health, safety, and morals. (1996 Code, § 2-216)

8-217. Privilege tax. (1) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City

of Jefferson City, 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.

(2) The city recorder shall mail written notice to each permit holder of the payment date at least thirty (30) days before January 1. If the permit holder does not pay by January 31, the city recorder shall again notify the permit holder that payment is due. If the permit holder does not pay within ten (10) days receiving the second notice, the permit is void.

(3) 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 payment date. (as added by Ord. #2007-18, Jan. 2008)

8-218. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #2007-18, Jan. 2008)

8-219. Transfer of permits. (1) A beer permit may be transferred by the holder from one location to another when the permit holder changes his place of distribution due to:

- (a) Destruction caused by act of God.
- (b) Fire.
- (c) Acts of the permit holder's landlord.
- (d) Construction of new place of distribution with abandonment of the prior place of distribution.
- (e) Any other transfer of location permitted by the beer board.

The new location must meet the criteria of this chapter at the time of the change of location.

(2) A corporate holder of a beer permit shall be allowed to retain the permit if the corporation changes its name, merges with another corporation, is acquired by another corporation or undergoes other corporate restructuring, provided that the corporate beer permit holder notifies the beer board of any such changes within forty-five (45) days of such changes and any new owner of the corporation is not disqualified to hold a beer permit pursuant to this chapter.

(3) No beer permits issued to individuals under this chapter may be transferred to other individuals or corporations except by the beer board. The beer board may transfer a permit to a buyer or transferee in the event that a permit holder sells or transfers his business or to the permit holder heirs in the event of the permit holder's death. In the case of sale or transfer, the permit holder must notify the beer board thirty (30) days in advance of such sale or

transfer. In the event of the permit holder's death, his heirs must notify the beer board within sixty (60) days of the permit holder's death. The beer board may waive the notice requirement if it determines that there are extraordinary circumstances which make it equitable to do so, but in no event may a permit be transferred to an individual or corporation who is not qualified to hold a permit under the requirements of this chapter. (as added by Ord. #2007-18, Jan. 2008)

8-220. Limitation on number of permits. There shall be no limit on the number of permits issued by the beer board. (as added by Ord. #2007-18, Jan. 2008)

CHAPTER 3

LIQUOR STORES¹

SECTION

- 8-301. Alcoholic beverages subject to regulation.
- 8-302. Application for certificate.
- 8-303. Applicant to agree to comply with laws.
- 8-304. Applicant to appear before the city council; duty to give information.
- 8-305. Action on application.
- 8-306. Residency requirement.
- 8-307. Applicants for certificate who have criminal record.
- 8-308. Only one establishment to be operated by retailer.
- 8-309. Where establishments may be located.
- 8-310. Retail stores to be on ground floor; entrances.
- 8-311. Limitation on number of retailers.
- 8-312. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-313. Inspection fee.
- 8-314. Violations.

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #2015-02, Feb. 2015)

8-302. Application for certificate.² Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 (certificate of compliance) or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any councilman,³ an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.

¹State law reference

Employee and server permits: Tennessee Code Annotated, § 57-3-701, et seq.

²State law reference

Tennessee Code Annotated, § 57-3-208.

³State law reference

Tennessee Code Annotated, § 57-3-208 requires the certificate to be signed by the mayor or a majority of the governing body.

- (2) Number of years residence in the State of Tennessee.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.
- (10) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.
- (11) An application fee of two hundred fifty dollars (\$250.00), payable to the City of Jefferson City, shall accompany each application for a certificate of compliance. (as added by Ord. #2015-02, Feb. 2015)

8-303. Applicant to agree to comply with laws. The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #2015-02, Feb. 2015)

8-304. Applicant to appear before city council; duty to give information. An applicant for a certificate of compliance may be required to appear in person before the city council for such reasonable examination as may be desired by the council. (as added by Ord. #2015-02, Feb. 2015)

8-305. Action on application. Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the city council within thirty (30) days of the date each application was filed.

The city council may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the city council. Applications will be accepted beginning at 9:00 A.M. on Monday, March 2, 2015, and will be acted on administratively in the order in which they are received. (as added by Ord. #2015-02, Feb. 2015)

8-306. Residency requirement.¹ The applicant for a certificate of compliance shall have been a bona fide resident of the State of Tennessee for not less than one (1) year at the time his application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of the State of Tennessee for not less than one (1) year at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years. (as added by Ord. #2015-02, Feb. 2015)

8-307. Applicants for certificate who have criminal record. No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #2015-02, Feb. 2015)

8-308. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #2015-02, Feb. 2015)

8-309. Where establishments may be located. (1) It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose.

(2) Retail package stores (liquor stores) are restricted to B-3, Highway Business District zones and retail licenses for said liquor stores shall be restricted to establishments that are at least one thousand five hundred feet (1,500') apart and having street frontage and access on major arterial streets.

(3) Any establishment that obtains a license for the sale of wine in retail food stores pursuant to Tennessee Code Annotated, § 57-3-801, et seq, are restricted to B-1, Neighborhood Business District; B-2, Central Business

¹State law reference

Tennessee Code Annotated, § 57-3-208(c).

District; B-3, Highway Business District; and B-4, General Commercial District zones. (as added by Ord. #2015-02, Feb. 2015, and replaced by Ord. #2017-04, March 2017)

8-310. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #2015-02, Feb. 2015)

8-311. Limitation on number of retailers.¹ There shall be no limit on the number of retail licenses for the sale of alcoholic beverages issued under this chapter. (as added by Ord. #2015-02, Feb. 2015)

8-312. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #2015-02, Feb. 2015)

8-313. Inspection fee. The City of Jefferson City hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (as added by Ord. #2015-02, Feb. 2015)

8-314. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2015-02, Feb. 2015)

¹State law reference

Tennessee Code Annotated, § 57-3-208(c).

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

1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. TAXICABS.
4. POOL ROOMS.
5. TREE TRIMMING.

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. (1996 Code, § 5-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, SOLICITORS, ETC.¹

SECTION

- 9-201. Definitions.
- 9-202. Exemptions.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Restrictions on peddlers, street barkers and solicitors.
- 9-206. Restrictions on transient vendors.
- 9-207. Display of permit.
- 9-208. Suspension or revocation of permit.
- 9-209. Expiration and renewal of permit.
- 9-210. Violation and penalty.

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

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

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

¹Municipal code references
Privilege taxes: title 5.

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

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

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

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

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

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to

¹State law references

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

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

selling or offering to sell novelty items and similar goods in the area of the festival or parade.

9-202. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

9-204. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

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

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

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

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

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

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

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

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

9-205. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

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

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

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

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

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

9-206. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

9-207. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

9-208. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the city council. The permit issued to any person or organization under this chapter may be suspended or revoked by the city council, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

9-209. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-210. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty clause of this municipal code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 3**CHAPTER 3****TAXICABS¹****SECTION**

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Miscellaneous prohibited conduct by drivers.
- 9-316. Transportation of more than one passenger at the same time.

9-301. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. (1996 Code, § 5-401)

9-302. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation

¹Municipal code reference
Privilege taxes: title 5.

of the applicant; determine if there is a public need for additional taxicab service; present the application to the city council; and make a recommendation to either grant or refuse a franchise to the applicant. The city council shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1996 Code, § 5-402, modified)

9-303. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of ten thousand dollars (\$10,000.00) for bodily injury or death to any one person, twenty thousand dollars (\$20,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the city. (1996 Code, § 5-403)

9-304. Revocation or suspension of franchise. The city council, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1996 Code, § 5-404)

9-305. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1996 Code, § 5-405)

9-306. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be

thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1996 Code, § 5-406)

9-307. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. The chief shall collect from each licensee and pay over to the city a two dollar (\$2.00) semiannual inspection fee for each vehicle inspected. (1996 Code, § 5-407)

9-308. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. The driver's permit shall expire annually on June 30th. It shall be conspicuously posted in the taxicab at all times while it is in operation. (1996 Code, § 5-408)

9-309. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1996 Code, § 5-409)

9-310. Revocation or suspension of driver's permit. The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-309. (1996 Code, § 5-410)

9-311. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1996 Code, § 5-411)

9-312. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1996 Code, § 5-412)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1996 Code, § 5-413)

9-314. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1996 Code, § 5-414)

9-315. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the city in any way. (1996 Code, § 5-415)

9-316. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1996 Code, § 5-416)

CHAPTER 4**POOL ROOMS¹****SECTION**

9-401. Street level location, etc., required.

9-402. Minors to be kept out; exception.

9-401. Street level location, etc., required. All places where pool tables or billiard tables are kept for public use or hire must be located exclusively at the street level. Also, such places must have enough of the front enclosed in glass so that the interior can be easily seen from the sidewalk or street. No curtains, drapes, blinds, screens, or other thing shall be used so as to hinder a clear and unobstructed view of the whole interior of such place from the street or sidewalk. (1996 Code, § 9-401)

9-402. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other person for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living. If the father is dead, then written permission must be obtained from the mother, guardian, or other person having legal control of such minor. If the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school shall be obtained. This section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1996 Code, § 5-502)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5**TREE TRIMMING****SECTION**

9-501. Permit required--fee, duration, etc.

9-502. Disposal of limbs, etc.

9-503. Violations.

9-501. Permit required--fee, duration, etc. No person, firm, or corporation shall cut trees for hire in Jefferson City without first filing an application with the recorder on a form provided by the municipality and paying the sum of two dollars (\$2.00) for a permit to engage in said occupation, which permit shall be for a period of one (1) year and shall be renewable annually on the anniversary date of the permit. In addition, a returnable deposit shall be made with the recorder in the amount of twenty-five dollars (\$25.00) to insure the removal of all trees as required in § 9-502. (1996 Code, § 5-601)

9-502. Disposal of limbs, etc. Any person, firm, or corporation within the corporate limits of Jefferson City cutting or trimming trees for compensation shall remove all cuttings, limbs, laps, and debris resulting from said work and deposit such in an appropriate manner outside the corporate limits. (1996 Code, § 5-602)

9-503. Violations. Any violation of this chapter shall incur a civil penalty and/or fine of up to \$500 for each offense. (1996 Code, § 5-603)

TITLE 10**ANIMALS AND FOWLS****CHAPTER**

1. IN GENERAL.
2. DOGS.
3. VICIOUS DOGS.

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

- 10-101. Running at large.
10-102. Vaccination of dogs.
10-103. Dog tags required.
10-104. Keeping of animals.
10-105. Impoundment.
10-106. Removal of waste.

10-101. Running at large. It shall be unlawful for any person owning or being in charge of any animal to permit such animal to run at large within the city. All dogs shall be kept on a leash or in the control and custody of its master at all times. (1996 Code, § 3-101)

10-102. Vaccination of dogs. On or before April 1 of every year, every owner of a dog shall have the dog vaccinated against rabies. (1996 Code, § 3-102, modified)

10-103. Dog tag required. On or before May 1 of every year, every owner of a dog shall apply to the city recorder for a dog tag. The owner shall produce written and signed evidence of vaccination as required in § 10-102 by an accredited veterinarian before the issuance of a tag. Such tag shall be attached to a collar or harness worn by a dog. The fee for such tag shall be two dollars. (1996 Code, § 3-103, modified)

10-104. Keeping of animals. (1) No person shall keep any animal, other than domestic dogs or cats, within the city limits without a permit from the city health officer. The health officer shall issue such a permit only when in his sound judgment the keeping of such animals will not injuriously affect the public health or cause a nuisance.

(2) When animals are kept within the city, the pen or other enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

(3) No animal of any kind shall be kept or confined in any place where the food, water, shelter, or ventilation is not adequate and sufficient for the preservation of its health and safe condition.

(4) No animal shall be kept in such a place or condition so as to become a nuisance, either because of noise, odor, contagious disease or other reason.

(5) No person shall unnecessarily beat or otherwise abuse or injure any animal. (1996 Code, § 3-104)

10-105. Impoundment. Any animal found running at large in violation of § 10-101 or any dog without a proper tag in violation of § 10-103 or any animal kept without a permit or in an unsanitary pen or a nuisance or abused in violation of § 10-104 shall be impounded by the animal control officer, health officer, or any police officer of the city. (1996 Code, § 3-105)

10-106. Removal of waste. It shall be unlawful for any person who owns, keeps or is in control of a dog to permit the dog to defecate upon any public property or upon any private property without the permission of the property owner unless the owner, keeper, or person in control of the dog immediately removes the feces deposited by the dog. (as added by Ord. #2003-09, Nov. 2003)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination required.
- 10-202. Certificates of vaccination.
- 10-203. Registration required.
- 10-204. Fees.
- 10-205. Issuance of certificate and tag.
- 10-206. Attachment of tags to collars.
- 10-207. Duplicate tags.
- 10-208. Unauthorized removal of collars or tags.
- 10-209. Female dogs in heat.
- 10-210. Vicious dogs.
- 10-211. Noisy dogs prohibited.
- 10-212. Dogs which have bitten persons--confinement.
- 10-213. Same--investigation by health officer.
- 10-214. Impoundment and disposition of dogs.
- 10-215. Summary destruction of certain dogs.

10-201. Rabies vaccination required. No person, firm, or corporation shall own, keep, or harbor any dog which has not been vaccinated against rabies as required by chapter 9 of title 53 of the Tennessee Code Annotated. All such vaccinations shall be administered by or under the supervision of a veterinarian licensed by the state board of veterinary medical examiners to practice veterinary medicine in the state. (1996 Code, § 3-201)

10-202. Certificates of vaccination. Evidence of the vaccination required by this chapter shall consist of a certificate of vaccination bearing the owner's name and address, the number of the vaccination tag issued, the date of vaccination, the date when the dog shall be revaccinated, a description and the sex of the dog vaccinated, the type and lot number of the vaccine administered, and the signature of the person administering the vaccine. Such certificate shall be prepared in triplicate. The original of such certificate shall be given to the owner of the dog, the first copy shall be filed with the health department of the city and the second copy shall be retained by the person administering the vaccine. The certificate shall be on a form prepared and distributed by the state department of public health. (1996 Code, § 3-202)

10-203. Registration required. Any person, firm, or corporation owning, keeping, or harboring any dog over three (3) months of age shall, on or before the first day of May of each year, register such dog with the health officer of the city. No dog shall be permitted to be registered unless the owner shall

first exhibit to the health officer a valid certificate of vaccination as provided for in this chapter. (1996 Code, § 3-203)

10-204. Fees. Each owner of a dog, upon registering such dog with the health officer, shall pay to the health officer a fee of two dollars (\$2.00) for each dog. Persons operating kennels where dogs are bred for sale shall not be required to pay such registration fee, but, in lieu thereof shall pay, on or before the first day of May in each year or at such time as a kennel may be opened, a registration fee as follows:

(1) For each kennel of less than ten (10) dogs, five dollars (\$5.00) per year or any fraction thereof.

(2) For each kennel of not less than ten (10) dogs nor more than twenty (20) dogs, ten dollars (\$10.00) per year or any fraction thereof.

(3) For each kennel of over twenty (20) dogs, fifteen dollars (\$15.00) per year or any fraction thereof.

At no time shall the number of dogs in the kennel exceed the number covered by the registration. (1996 Code, § 3-204, modified)

10-205. Issuance of certificate and tag. Upon the payment of the required registration fee, the health officer shall issue to the owner of the dog a registration certificate, which certificate shall contain the owner's name, the date issued, the amount paid, a description and the sex of the dog, the registration tag number issued, and the date such dog was vaccinated.

The health officer shall also issue to the owner a tag bearing the serial number of the registration certificate and the year in which it was delivered. (1996 Code, § 3-205)

10-206. Attachment of tags to collars. The owner of each dog shall attach the registration tag to a collar which shall be worn at all times by the dog registered under this chapter. (1996 Code, § 3-206)

10-207. Duplicate tags. In the event a registration tag is lost, the health officer shall issue a duplicate tag to the owner of the dog upon payment of a fee of twenty-five cents (\$.25). (1996 Code, § 3-207)

10-208. Unauthorized removal of collars or tags. No person, without proper authority, shall remove the collar or registration tag from any dog. (1996 Code, § 3-208)

10-209. Female dogs in heat. No person shall permit any female dog owned by him or under his control to run at large while in heat. Female dogs running at large while in heat are hereby declared to be a public nuisance. (1996 Code, § 3-210)

10-210. Vicious dogs. It shall be unlawful for any person to own, keep, or harbor any dog known to be vicious or dangerous unless such dog is confined or otherwise securely restrained so as to reasonably provide for the protection of other animals and persons. (1996 Code, § 3-211)

10-211. Noisy dogs prohibited. It shall be unlawful for any person to own, keep, or harbor any dog which, by loud or frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (1996 Code, § 3-212)

10-212. Dogs which have bitten persons--confinement. Whenever a dog is reported to have bitten a person, such dog shall be properly confined by its owner for a period of fourteen (14) days. When the owner is unable to so confine such dog, it shall be turned over to the health officer, who shall keep such dog under confinement and observation for fourteen (14) days. When a dog has bitten a person, it shall not be killed for fourteen (14) days. If such dog should die within this period, its head shall be sent to the state laboratory for examination. (1996 Code, § 3-213)

10-213. Same--investigation by health officer. When it is reported that a dog has bitten a person, the health officer shall investigate the report and shall recommend treatment for those persons who, in his opinion, need such treatment. (1996 Code, § 3-214)

10-214. Impoundment and disposition of dogs. Any dog found in violation of the provisions of this chapter shall be impounded by the health officer. Impounded dogs shall be disposed of in the manner provided in §§ 10-103 and 10-104 for other impounded animals. (1996 Code, § 3-215)

10-215. Summary destruction of certain dogs. When, because of its viciousness or apparent infection with rabies, a dog found running at large in violation of this chapter cannot be safely impounded, it may be summarily destroyed by the health officer or any policeman. (1996 Code, § 3-216)¹

¹For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the 1927 case of Darnell v. Shepard, 156 Tenn. 544., 3 S.W.2d 661.

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition of terms.
- 10-302. Confinement.
- 10-303. Leash and muzzle.
- 10-304. Signs.
- 10-305. Dog fighting.
- 10-306. Insurance.
- 10-307. Penalties.
- 10-308. Severability.

10-301. Definition of terms. (1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(2) "Vicious dog" means:

(a) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(b) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; or

(c) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(d) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

(e) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier.

(3) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in

a clean and sanitary condition. (1996 Code, § 3-301, as replaced by Ord. #2011-12, July 2011)

10-302. Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (1996 Code, § 3-302, modified, as replaced by Ord. #2011-12, July 2011)

10-303. Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (1996 Code, § 3-303, as replaced by Ord. #2011-12, July 2011)

10-304. Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (1996 Code, § 3-304, as replaced by Ord. #2011-12, July 2011)

10-305. Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals. (1996 Code, § 3-305, as replaced by Ord. #2011-12, July 2011)

10-306. Insurance. Owners of vicious dogs must, within thirty (30) days of the effective date of the ordinance comprising this chapter, provide proof to the city recorder of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog. (1996 Code, § 3-306, as replaced by Ord. #2011-12, July 2011)

10-307. Penalties. Whoever violates any provision of this chapter shall be punishable by a fine of up to fifty dollars (\$50.00). Each day that such violation continues constitutes a separate offense. Any owner convicted of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall remove the dog from the city limits of Jefferson City. (1996 Code, § 3-307, as replaced by Ord. #2011-12, July 2011)

10-308. Severability. If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of

any court, such a decision shall not affect the validity of the remaining portions of this chapter. (1996 Code, § 3-308, as replaced by Ord. #2011-12, July 2011)

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER**

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. FORTUNE TELLING, ETC.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.

CHAPTER 1**MISDEMEANORS OF THE STATE ADOPTED****SECTION**

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against the City of Jefferson City also. Any violation of any such law within the corporate limits is also a violation of this section. (1996 Code, § 10-101)

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

CHAPTER 2**ALCOHOL**¹**SECTION**

11-201. Drinking beer, etc., on streets, etc.

11-202. Minors in beer places.

11-201. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1996 Code, § 10-229)

11-202. Minors in beer places. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1996 Code, § 10-228)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

CHAPTER 3

FORTUNE TELLING, ETC.

SECTION

11-301. Fortune telling, etc.

11-301. 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. (1996 Code, § 10-222)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET**SECTION**

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. 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. (1996 Code, § 10-202)

11-402. 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 vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

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

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

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

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city 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) City vehicles. Any vehicle of the city 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 city, 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. (1996 Code, § 10-234)

CHAPTER 5**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-501. Impersonating a government officer or employee.

11-502. False emergency alarms.

11-501. Impersonating a government officer or employee. No person other than an official police officer of the city 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 city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1996 Code, § 10-211)

11-502. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1996 Code, § 10-217)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the city 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. (1996 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to 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. (1996 Code, § 10-214)

11-603. Weapons and firearms generally. (1) It shall be unlawful for any unauthorized person to discharge a firearm within the municipality; provided, however, the prohibition herein against discharging firearms shall not apply to organized and supervised firing ranges within permitted areas within the city. This section does not apply to any person who is legally hunting in accordance with the laws of the State of Tennessee and the regulations of the Tennessee Wildlife Resources Agency.

(2) The chief of police, or whomever he may designate on the police force, may authorize special firings for special events as long as the event is conducted under the guidance and supervision of the police department. (1996 Code, § 10-212, modified, as amended by Ord. #2011-15, Aug. 2011)

CHAPTER 7

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC**

SECTION

11-701. Trespassing.

11-702. Trespassing on trains.

11-703. Interference with traffic.

11-701. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1996 Code, § 10-226)

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1996 Code, § 10-221)

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1996 Code, § 10-233)

CHAPTER 8**MISCELLANEOUS****SECTION**

11-801. Abandoned refrigerators, etc.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Wearing masks.

11-801. 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. (1996 Code, § 10-223)

11-802. 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. (1996 Code, § 10-232)

11-803. 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. (1996 Code, § 10-227)

11-804. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1996 Code, § 10-235)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. UNSAFE BUILDING ABATEMENT CODE.
3. PLUMBING CODE.
4. MECHANICAL CODE.
5. GAS CODE.
6. EXISTING BUILDINGS CODE.
7. RESIDENTIAL CODE.
8. BUILDING CODE APPENDIX J.
9. LIFE SAFETY CODE.
10. ENERGY CONSERVATION CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. International Building Code adopted.
- 12-102. Amendments to the 2012 International Building Code.
- 12-103. Available in recorder's office.
- 12-104. Violations.

12-101. International Building Code² adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition, of any building or structure other than one and two family dwellings and townhouses with Appendices B, C, E, F, I, and J as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "International Building Code." (1996 Code, § 4-101, as amended by Ord. #98-30,

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

Feb. 1999, and replaced by Ord. #2009-11, Sept. 2009, and Ord. #2013-13, Dec. 2013)

12-102. Amendments to the 2012 International Building Code.

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "Jefferson City, Tennessee" in its place.

Section [A] 101.2.1 Appendices.

Insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix B	Board of Appeals
Appendix C	Group U - Agricultural Buildings
Appendix E	Supplementary Accessibility Requirements
Appendix F	Rodent Proofing
Appendix I	Patio Covers
Appendix J	Grading

Section [F] 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more.

Replace "1,000 or more" with "more than 300" in the title and in the code section.

Section [F] 907.2.11.1 Group R-1.

Insert "4. In each garage or storage area with a six foot or wider door to the outside."

Section [F] 907.2.11.2 Groups R-2, R-3, R-4 and I-1.

Insert "4. In each private garage or storage area with a six foot or wider door to the outside."

Section 1004.1.2 Areas without fixed seating.

Insert "fire code official or" just prior to "building official" in both occurrences.

Section 1004.2 Increased occupant load.

Insert "fire code official or" just prior to "building official" in both occurrences.

Section 1004.5 Outdoor areas.

Insert "fire code official or" just prior to "building official."

Section 1013.2 Where required.

Delete the first sentence and replace with "Guards shall be located along open-sided walking surfaces or ground surfaces including mezzanines, equipment platforms, stairs, ramps, landings, retaining walls and any other locations that are located more than 30 inches (762 mm) measured vertically to

the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side."

Section 3412.2 Applicability.

Delete "[DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION.]" and insert "the adoption of the first building code regulations in Jefferson City, Tennessee." In its place.

Section 1612.3 Establishment of flood hazard areas.

Delete [INSERT NAME OF JURISDICTION] and insert "Jefferson City" in its place, Delete [INSERT DATE OF ISSUANCE] and insert "December 16, 2008" in its place.

Section B101.3.1 Open Hearing.

Insert the words ", the fire code official" after "building official" in the last sentence.

Section B101.4.1 Resolution.

Insert the words "and fire code official" after "building official" in the last sentence.

Section B101.4.2 Administration.

Insert the words "and/or fire code official" after "building official."
(1996 Code, § 4-102, as amended by Ord. #98-30, Feb. 1999, and replaced by Ord. #2009-11, Sept. 2009, and Ord. #2013-13, Dec. 2013)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International 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. (1996 Code, § 4-103, as replaced by Ord. #2009-11, Sept. 2009, and Ord. #2013-13, Dec. 2013)

12-104. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (1996 Code, § 4-104, as replaced by Ord. #2009-11, Sept. 2009, and Ord. #2013-13, Dec. 2013)

CHAPTER 2

UNSAFE BUILDING ABATEMENT CODE

SECTION

12-201. Unsafe building abatement code adopted.

12-202. Modifications.

12-203. Available in recorder's office.

12-204. Violations.

12-201. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the safety of buildings, the Standard Unsafe Building Abatement Code,¹ 1998 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (1996 Code, § 4-401, as amended by Ord. #98-30, Feb. 1999)

12-202. Modifications. Section 105.1 thru Section 105.5 is hereby amended by deleting the section in its entirety and inserting in-lieu of the following:

105.1 Appointment. The city manager is hereby appointed the official to hear matters of adjustments and appeals.

105.2.1 General. When it is claimed that the provisions of this code do not apply, or when it is claimed that the true intent and meaning of this code or any of the regulations thereunder has been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent may appeal the decision of the building official to the city manager. Notice of appeal shall be in writing and filed within 15 days after the decision is rendered by the building official.

105.3 Decisions.

105.3.1 Variances. The city manager, when so appealed to and after hearing, may vary the application of any provision of this code to any particular case when, in his/her opinion, the enforcement thereof would

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

do manifest injustice, and would be contrary to the spirit and purpose of this code or public interest, and when in his/her opinion, the interpretation of the building official should be modified or reversed.

105.3.2 Action. The city manager shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the city manager shall also include the reasons for the decision. If a decision of the city manager reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision.

105.33 Decisions are final. Every decision of the city manager shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. (1996 Code, § 4-402)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the unsafe building abatement code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1996 Code, § 4-403, modified)

12-204. Violations. Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be prosecuted within the limits provided by state or local law. Each person shall be deemed guilty of a separate offense for any violation of any of the provisions of this code, and upon conviction of any such violation such person shall be punished within the limits and as provided by state or local laws. (1996 Code, § 4-404)

CHAPTER 3

PLUMBING CODE¹

SECTION

12-301. Plumbing code adopted.

12-302. Amendments to the 2012 International Plumbing Code.

12-303. Available in recorder's office.

12-304. Violations.

12-301. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, International Plumbing Code,² 2012 edition with Appendices B, C, D, E, F, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "Plumbing Code." (1996 Code, § 4-501, as amended by Ord. #98-30, Feb. 1999, and replaced by Ord. #2009-12, Sept. 2009, and Ord. #2013-14, Dec. 2013)

12-302. Amendments to the 2012 International Plumbing Code.

Section [A] 106.6.2 Fee schedule.

Delete Section 106.6.2 in its entirety and insert "Fees as adopted in the 2012 International Residential Code Appendix L."

Section [A] 106.6.3 Fee refunds.

Delete Section 106.6.3 in its entirety including the section number and title.

Section [A] 108.4 Violation penalties.

Delete "guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than

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.

[AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

Section [A] 108.5 Stop work orders.

Delete "liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 109 Means of Appeal.

Delete Section 109 in its entirety and insert "The Board of Appeals shall be as established and regulated by the 2012 International Building Code." in its place.

Section 305.4.1 Sewer depth.

Delete "[NUMBER]" in two places and insert "twelve" in its place.

Delete "(mm)" in two places.

Section 701.2 Sewer required.

Delete "in accordance with the International Private Sewage Disposal Code."

Section 903.1 Roof extension.

Delete [NUMBER]" and insert "twelve" in its place.

Delete "(mm)"

(1996 Code, § 4-503, as replaced by Ord. #2009-12, Sept. 2009, and Ord. #2013-14, Dec. 2013)

12-303. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International 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. (1996 Code, § 4-504, as replaced by Ord. #2009-12, Sept. 2009, and Ord. #2013-14, Dec. 2013)

12-304. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (as added by Ord. #2013-14, Dec. 2013)

CHAPTER 4

MECHANICAL CODE¹

SECTION

- 12-401. Mechanical code adopted.
- 12-402. Amendments to the 2012 International Mechanical Code.
- 12-403. Available in recorder's office.
- 12-404. Violations.
- 12-405. [Deleted.]

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, replacement, appliances, fixtures, fittings, and the appurtenances thereto, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems within or without the city, International Mechanical Code,² 2012 edition, with Appendix A as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "Mechanical Code." (1996 Code, § 4-601, as amended by Ord. #98-30, Feb. 1999, and replaced by Ord. #2009-13, Sept. 2009, and Ord. #2013-15, Dec. 2013)

12-402. Amendments to the 2012 International Mechanical Code.
 Section [A] 101.1 Title.
 Delete "[NAME OF JURISDICTION]" and insert "Jefferson City, Tennessee" in its place.

Section [A] 101.2.1 Appendices.
 Insert "The following Appendices are specifically included in the adoption. All others are excluded. Appendix A Chimney Connector Pass-Throughs"

Section [A] 106.5.2 Fee schedule.

¹Municipal code references

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.

Delete Section 106.5.2 in its entirety and insert "Fees as adopted in the 2012 International Residential Code Appendix L"

Section [A] 106.5.3 Fee refunds.

Delete Section 106.5.3 in its entirety including the section number and title.

Section [A] 108.4 Violation penalties.

Delete "guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

Section [A] 108.5 Stop work orders.

Delete "liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 109 Means of Appeal.

Delete Section 109 in its entirety and insert "The Board of Appeals shall be as established and regulated by the 2012 International Building Code." in its place. (1996 Code, § 4-602, as replaced by Ord. #2009-13, Sept. 2009, and Ord. #2013-15, Dec. 2013)

12-403. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Mechanical Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1996 Code, § 4-603, as replaced by Ord. #2009-13, Sept. 2009, and Ord. #2013-15, Dec. 2013)

12-404. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (1996 Code, § 4-604, as deleted by Ord. #2009-13, Sept. 2009, and replaced by Ord. #2013-15, Dec. 2013)

12-405. [Deleted.] (1996 Code, § 4-605, as deleted by Ord. #2009-13, Sept. 2009)

CHAPTER 5

GAS CODE¹

SECTION

- 12-501. Fuel gas code adopted.
 12-502. Amendments to the 2012 International Fuel Gas Code.
 12-503. Available in recorder's office.
 12-504. Violations.
 12-505--12-510. [Deleted.]

12-501. Fuel gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating gas pipe installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, International Fuel Gas Code,² 2012 edition with Appendices A, B, C, D, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "Fuel Gas Code." (1996 Code, § 4-701, as replaced by Ord. #2013-16, Dec. 2013)

12-502. Amendments to the 2012 International Fuel Gas Code.

Section [A] 101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "Knox County, Tennessee" in its place.

Section [A] 101.3 Appendices.

Insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix A	Sizing and Capacities of Gas Piping (IFGS)
Appendix B	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents (IFGS)
Appendix C	Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems (IFGS)

¹Municipal code reference

Gas system administration: title 19, chapter 2.

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

Appendix D Recommended Procedure for Safety Inspection of an Existing Appliance Installation (IFGS)"

Section [A] 106.6.2 Fee schedule.

Delete Section 106.6.2 in its entirety and insert "Fees as adopted in the 2012 International Residential Code Appendix L."

Section [A] 106.6.3 Fee refunds.

Delete Section 106.6.3 in its entirety including the section number and title.

Section [A] 108.4 Violation penalties.

Delete "guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

Section [A] 108.5 Stop work orders.

Delete "liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 109 (IFGC) Means of Appeal.

Delete Section 109 in its entirety and insert "The Board of Appeals shall be as established and regulated by the 2012 International Building Code." in its place.

(1996 Code, § 4-702, as replaced by Ord. #2013-16, Dec. 2013)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one copy (1) of the International Fuel Gas Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1996 Code, § 4-703, as replaced by Ord. #2013-16, Dec. 2013)

12-504. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (1996 Code, § 4-705, as replaced by Ord. #2013-16, Dec. 2013)

12-505--12-510. [Deleted.] (1996 Code, §§ 4-706--4-709 and 4-711--4-712, as deleted by Ord. #2013-16, Dec. 2013)

CHAPTER 6

EXISTING BUILDINGS CODE¹

SECTION

- 12-601. Existing building code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations.
- 12-605. [Deleted.]

12-601. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of providing regulations and general guidelines that enable local communities to preserve that which might otherwise be destroyed, and at the same time satisfy basic structural and fire safety needs of the public, within the city limits of Jefferson City, Tennessee, the International Existing Building Code, 2006 edition first printing, with appendices A, B, resources A, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in the chapter, and is hereinafter referred to as the "Existing Building Code." (1996 Code, § 4-801, modified, as replaced by Ord. #2009-14, Sept. 2009)

12-602. Modifications. (1) When the International Existing Building Code refers to the duties of certain officials named therein that designated official in the City of Jefferson City, who has duties corresponding to those of the named official in said "code" shall be deemed to be the responsible official insofar as enforcing the provisions of said "code" are concerned.

(2) Chapter 1, Administration Section 101.1 Title of the Existing Building Code is adopted to read these regulations shall be known as the Existing Building Code of the City of Jefferson City, hereinafter referred to as "this code." (1996 Code, § 4-802, as replaced by Ord. #2009-14, Sept. 2009)

12-603. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Existing Building Code has been placed on file in the recorder's office and shall

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

be kept there for the use and inspection of the public. (1996 Code, § 4-803, modified, as replaced by Ord. #2009-14, Sept. 2009)

12-604. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (1996 Code, § 4-804, as replaced by Ord. #2009-14, Sept. 2009)

12-605. [Deleted.] (as deleted by Ord. #2009-14, Sept. 2009)

CHAPTER 7

RESIDENTIAL CODE

SECTION

- 12-701. International Residential Code adopted.
- 12-702. Amendments to the 2012 International Residential Code.
- 12-703. Available in recorder's office.
- 12-704. Violations.
- 12-705. [Deleted.]

12-701. International Residential Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating residential dwellings, including construction, repairs, use, occupancy, removal, and demolition thereto, of every detached one or two-family dwellings and one family townhouses not more than three stories in height, and their accessory structures, the International Residential Code,¹ 2012 edition with Appendices A, B, C, D, F, G, H, J, N, O, P, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "International Residential Code." (1996 Code, § 4-1001, as amended by Ord. #98-30, Feb. 1999, and Ord. #2009-15, Sept. 2009, and replaced by Ord. #2013-17, Dec. 2013)

12-702. Amendments to the 2012 International Residential Code.
Section R101.1 Title.
Delete "[NAME OF JURISDICTION]" and insert "Jefferson City, Tennessee" in its place.

Section R102.5 Appendices.

At the end of this section, insert the following:

"The following Appendices are specifically included in the adoption. All others are excluded.

Appendix A	Sizing and Capacities of Gas Piping
Appendix B	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed For Use with Type B Vents
Appendix C	Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

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

Appendix F	Radon Control Methods
Appendix G	Swimming Pools, Spas, and Hot Tubs
Appendix H	Patio Covers
Appendix J	Existing Buildings and Structures
Appendix N	Venting Methods
Appendix O	Automatic Vehicular Gates
Appendix P	Sizing of Water Piping System

Table R301.2 (1) Climatic and Geographic Design Criteria.

Insert "10 PSF" in the table for Ground Snow Load.

Insert "90" in the table for Wind Speed.

Insert "No" in the table for topographic effects

Insert "C" in the table for Seismic Design Category.

Insert "Severe" in the table for Weathering.

Insert "12 inches" in the table for Frost Line Depth.

Insert "Moderate to heavy" in the table for Termite.

Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.

Insert "No" in the table for Ice Barrier Underlayment Required.

Insert "210 " in the table for Air Freezing Index.

Insert "59.4" in the table for Mean Annual Temp.

Section R301.2.2 Seismic provisions.

Delete item 1, renumber item 2 to item 1 and insert "and townhouses" just after the word dwellings and at the end of the section insert "All references to "townhouses in seismic design category C" in Chapters 6, 7 and 28 shall not apply in Jefferson City."

Section R302.2 Townhouses.

Delete the word "Exception:" and insert "Exception #1: for townhouses equipped with an automatic sprinkler system:"

At the end of this exception, insert the following:

"Exception #2: for townhouses not equipped with an automatic sprinkler system:" A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4."

Section R302.5.1 Opening protection.

Delete the words ", equipped with a self closing device" and insert a period after the word "doors".

Section R303.4 Mechanical ventilation.

Add the word "(Optional)." in the section title after the word ventilation.

Delete the words "the dwelling unit shall be provided with whole-house mechanical ventilation" and replace with the words "dwelling units provided with whole-house mechanical ventilation shall be"

Section 311.7.8 Handrails

Change "four or more risers" to "a total rise of 30 inches or more".

Section R312.2 Window fall protection.

Delete section R312.2 and R312.2.1 in their entirety.

Section R313 Automatic Fire Sprinkler Systems

Add the words "(Optional, see Tennessee Code Annotated, Section 68-120-101(a)(8))." in the section title after the word "Systems".

Section R313.1 Townhouse automatic fire sprinkler systems.

Delete the words "An automatic residential fire sprinkler system shall be installed in townhouses." and replace with "When an automatic residential fire sprinkler system is installed in townhouses, the following shall apply:"

Section R313.2 One- and two-family dwellings automatic fire sprinkler systems.

Delete the words "An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings." and replace with "When an automatic residential fire sprinkler system is installed in one- and two-family dwellings, the following shall apply:"

Section R314.3 Location.

Insert "4. In each garage or storage area with a six foot or wider door to the outside. These smoke alarms shall be specifically approved for use in garages in the manufacturers written instructions. Exception: Heat detectors interconnected with the alarm system and having battery back up may be used in a garage or storage area."

Section R322.1.7 Protection of water supply and sanitary sewage.

Delete "and Chapter 3 of the International Private Sewage Disposal Code" and insert ", the requirements of the water and sewer service utility providers and Jefferson City" in its place.

Figure R403.1 (1) Concrete and Masonry Foundation Details.

Insert a note in the figure as follows: "The bottom of all foundations shall extend a minimum of 12 inches below finished grade."

Section R502.11.4 Truss Design Drawings.

Delete "to the building official and approved prior to installation" and replace it with "for review when required by the building official".

Section R802.10.1 Truss design drawings.

Delete "to the building official and approved prior to installation" and replace it with "for review when required by the building official".

Table N1102.1.1 (R402.1.1) Insulation and Fenestration Requirements by Component

In the row for climate zone "4 except Marine", change Ceiling R-Value from "R49" to "R-38", and change the Wood Frame Wall R-Value from "20 or 13 + 5" to "13", and change the Mass Wall R-Value from "8/13" to "5/10".

Table N1102.1.3 (R402.1.3) Equivalent U-Factors

In the row for climate zone "4 except Marine", change Ceiling U-Factor from "0.026" to "0.30", and change the Frame Wall U-Factor from "0.057" to "0.082", and change the Mass Wall U-Factor from "0.098" to "0.141".

Section N1102.2.6 (R402.2.6) Steel-frame ceilings, walls, and floors.

After the first occurrence of the word "of" insert "Table N1102.1.1 or".

Section N1102.4.1.1 (R402.4.1.1) Installation.

Add the words "and visual inspection option." after the word "Installation" in the section title. Add the words ", and be field verified." after the word "construction".

Section N1102.4.1.2 (R402.4.1.2) Testing.

Add the word "(optional)" after the word "Testing" in the section title.

Before the first sentence insert "Where required by the building official,"

Section N1103.1.1 (R403.1.1) Programmable thermostat.

Add the word "(optional)." after the word "thermostat" in the section title.

Before the first sentence insert "Where required by the building official and,"

Section N1103.2.2 (R403.2.2) Sealing (Mandatory).

Before the words "Duct tightness" insert "Where required by the building official,"

Section N1103.4.1 (R403.4.1) Circulating hot water systems (Mandatory).

Add the sentence "All circulating service hot water piping shall be insulated to at least R-2." after the section title.

Section N1103.4.2 (R403.4.2) Hot water pipe insulation (Prescriptive).

Delete the word "Prescriptive" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official,". Before the words "All remaining piping" insert "Where required by the building official,"

Section N1103.5 (R403.5) Mechanical ventilation (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title. Delete "The building shall be provided with ventilation that meets" and replace with "Buildings provided with ventilation shall meet".

Section N1103.9 (R403.9) Pools and in ground permanently installed spas (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official,"

Section N1104 Electrical Power and Lighting Systems (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title.

Section N1104.1 (R404.1) Lighting equipment (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official,"

Section P2603.5.1 Sewer depth.

Delete "[NUMBER]" in two places and insert "twelve inches" in two places.

Section E3403.2 Inspection Required.

Insert the words "where required" after the words "shall be inspected".

Section AE304.3.2.1 Investigation.

Before the first sentence insert "Where required by the building official,"

Section AE304.3.2.2 Fee.

Before the first sentence insert "Where required by the building official,"

Section AE305.5.1 Structural inspections for the manufactured home installation.

At the end of the section insert "Exception: The inspections required by this section shall not apply to manufactured homes as exempted by the State of Tennessee but shall apply to any construction or installation of decks, porches,

steps or other structures or equipment. All manufactured homes shall pass a final inspection and have a certificate of occupancy issued."

Section AF103.5.3 Vent pipe.

At the end of the section insert "Exception: The vent pipe shall be allowed to terminate in the attic and may be capped unless tests verify the radon potential to be 4 pCi/L or greater."

Section AF103.6.1 Vent pipe.

At the end of the section insert "Exception: The vent pipe shall be allowed to terminate in the attic and may be capped unless tests verify the radon potential to be 4 pCi/L or greater."

Section AF103.12 Power source.

Delete Section AF103.12 in its entirety.

(1996 Code, § 4-1002, as replaced by Ord. #2009-15, Sept. 2009, and Ord. #2013-17, Dec. 2013)

12-703. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Residential Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1996 Code, § 4-1003, as replaced by Ord. #2009-15, Sept. 2009, and Ord. #2013-17, Dec. 2013)

12-704. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (1996 Code, § 4-1004, as replaced by Ord. #2009-15, Sept. 2009, and Ord. #2013-17, Dec. 2013)

12-705. [Deleted.] (1996 Code, § 4-1005, as deleted by Ord. #2009-15, Sept. 2009)

CHAPTER 8**BUILDING CODE APPENDIX J****SECTION**

- 12-801. Building code appendix J grading.
- 12-802. Available in recorder's office.
- 12-803. Violations.
- 12-804. [Deleted.]

12-801. Building code appendix J grading. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating excavation, grading and earthwork construction, including fills and embankments the, International Building Code Appendix J,¹ 2012 edition as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "Excavation and grading code." (1996 Code, § 4-1101, as replaced by Ord. #2013-18, Dec. 2013)

12-802. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Building Code, 2012 edition, has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1996 Code, § 4-1102, as replaced by Ord. #2013-18, Dec. 2013)

12-803. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (1996 Code, § 4-1103, as replaced by Ord. #2013-18, Dec. 2013)

12-804. [Deleted.] (1996 Code, § 4-1104, as deleted by Ord. #2013-18, Dec. 2013)

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

CHAPTER 9

LIFE SAFETY CODE¹

SECTION

- 12-901. Life safety code adopted.
- 12-902. Amendments to the 2012 Life Safety Code.
- 12-903. Enforcement.
- 12-904. Available in recorder's office.
- 12-905. Violations.

12-901. Life safety code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-510 through 6-54-510, the Life Safety Code as prepared and adopted by the National Fire Protection Association (NFPA), is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the "life safety code." (Ord. #98-30, Feb. 1999, as replaced by Ord. #2009-16, Sept. 2009, and Ord. #2013-21, Dec. 2013)

12-902. Amendments to the 2012 Life Safety Code.

Section 1.2 Purpose.

At the end of this section add "Exception: This Code shall not apply to detached one and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories in height where each dwelling extends from the foundation to the roof, is open on at least two sides with each dwelling having a separate means of egress and their accessory structures as regulated by the 2012 International Residential Code."

Chapter 1 Administration.

Insert a new section as follows: "Section 1.7 Annexes. Annex A, Explanatory Materials, is specifically included in the adoption."

Section 3.3.36.3 Apartment Building.

At the end of this section add "Exception: Townhouses which are a group of three or more attached single-family dwelling units not more than three stories above grade in height which each unit extends from foundation to roof and with

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

open space on at least two sides with a separate means of egress and their accessory structures as defined by the 2012 International Residential Code shall not be considered as apartments for the purposes of this code."

Section 4. 7.1 Where required.

Immediately after "shall be conducted as" insert "deemed necessary by the fire code official, and as".

Section 4.7.6 Fire Drill Written Record.

Immediately after the word "manner" insert ", and upon request a copy shall be provided to the fire code official".

Section 6.1.14.1 General.

Add a new section as follows: "6.1.14.1.4 all multiple occupancies of which at least one of the occupancies is of residential use, in which occupants sleep shall be equipped with a fire alarm detection system install in accordance with LSC 9.6 and NFPA 72. Smoke and heat detection (depending on the area to be protected and the use of the area) shall be installed in the following locations: Residential area used for sleeping purposes.

1. within all bedrooms or sleeping rooms,
2. Centrally located in a corridor or area giving access to each group of rooms used for sleeping purposes, and
3. On every level of the residential apartment.

Occupancies within the same building or structure.

1. Within all area of all occupancies within the same building or structure spaced in accordance with NFPA 72.

Plans and designs shall be submitted for permit and review in accordance with IFC Section 907.1.1, to the Jefferson City Fire Department prior to installation. An acceptance test of the system must be approved by the fire inspector upon completion."

Section 9.7.4.1

Delete the text of this section in its entirety and replace with "Portable fire extinguishers where required shall be installed, inspected and maintained in all occupancies in accordance with NFPA 10, Standard for Portable Fire Extinguishers."

Section 14.3.2.1(1)

At the end of the subsection add the following: "Laundries (equipped only with domestic equipment) and less than or equal to 100 square feet"

Section 14.3.2.1(2)(a)

After "Laundries" insert "greater than 100 square feet"

Section 15.3.2.1(2)(1)

At the end of the subsection add the following: "Laundries (equipped with only domestic equipment) and less than equal to 100 square feet."

Section 15.3.2.1(2)(a)

After "Laundries" insert "greater than 100 square feet"

Section 16.1.1 Application

Add new section as follows: "16.1.1.8 Unless otherwise required by the adopted codes of the City of Jefferson City, Tennessee, all day care facilities (including adult day care facilities) with seven or more persons shall be sprinklered with an NFPA 13 system."

Section 16.3.2.3

Delete "or 16.3.2.5"

Section 16.3.2.5

Delete the text of this section in its entirety and replace with "Domestic cooking equipment capable of producing grease laden vapors shall be protected as required by NFPA 96."

Section 15.3.5.2

Delete section in its entirety.

Section 16.6.3.5 Extinguishment Requirements

Delete this section in its entirety.

Section 17.3.2.5

Delete this section.

Section 17.3.2.5

Delete the text of this section in its entirety and replace with "Domestic cooking equipment capable of producing grease laden vapors shall be protected as required by NFPA 96."

Chapter 24 One- and Two-Family Dwellings.

Delete Chapter 24 in its entirety.

Section A.4.7.6 Fire Drill Written Record.

Immediately after the word "paragraph" delete "should" and insert "shall" in its place.

Section A.24

Delete all six sections with the A.24 prefix in their entirety.

(Ord. #98-30, Feb. 1999, modified, as replaced by Ord. #2009-16, Sept. 2009, and Ord. #2013-21, Dec. 2013)

12-903. Enforcement. The life safety code herein adopted by reference shall be enforced by the chief of the fire department or his designee. He shall have the same powers as the state fire marshal. (as replaced by Ord. #2009-16, Sept. 2009, and Ord. #2013-21, Dec. 2013)

12-904. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the life safety code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #2009-16, Sept. 2009, and Ord. #2013-21, Dec. 2013)

12-905. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (as added by Ord. #2013-21, Dec. 2013)

CHAPTER 10

ENERGY CONSERVATION CODE¹

SECTION

- 12-1001. Energy conservation code adopted.
- 12-1002. Amendments to the 2012 International Energy Conservation Code.
- 12-1003. Available in recorder's office.
- 12-1004. Violations.

12-1001. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems, within or without the city, International Energy Conservation Code, 2012 edition chapters 1, 2, 3, 4, 5 and index of the commercial provisions, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the International Energy Code. (as replaced by Ord. #2009-17, Sept. 2009, and Ord. #2013-19, Dec. 2013)

12-1002. Amendments to the 2012 International Energy Conservation Code.

Chapter 4 [RE] Delete chapter 4 [RE] in its entirety and insert "refer to chapter 11 [RE] Energy Efficiency of the 2012 International Residential Code"

Section C107 Fee schedule.

Delete Section 107 in its entirety and insert "Fees as adopted in the 2012 International Residential Code Appendix L."

Section C108.4 Failure to Comply

¹State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, the International Energy Conservation Code, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

Delete "liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT]" and insert "subject to penalties as prescribed by law" in its place.

Section C109 Board of Appeal.

Delete Section C109 in its entirety and insert "The Board of Appeals shall be as established and regulated by the 2012 International Building Code." in its place (as replaced by Ord. #2009-17, Sept. 2009, and Ord. #2013-19, Dec. 2013)

12-1003. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Energy Conservation Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #2009-17, Sept. 2009, and Ord. #2013-19, Dec. 2013)

12-1004. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (as replaced by Ord. #2009-17, Sept. 2009, and Ord. #2013-19, Dec. 2013)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. DISPLAY OF ADDRESSES.
4. BUILDINGS UNFIT FOR HUMAN HABITATION.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds and grass.
- 13-105. Removal of vegetation and debris from certain lots.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. House trailers.
- 13-109. Junked yards.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1996 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1996 Code, § 8-105)

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
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

without treating it so as effectively to prevent the breeding of mosquitoes. (1996 Code, § 8-106)

13-104. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city code enforcement officer to cut such vegetation when it has reached a height of over one (1) foot. (Ord. #99-19, Dec. 1999)

13-105. Removal of vegetation and debris from certain lots.

(1) (a) Property owners are required to maintain their property in such a manner as to not endanger the health, safety, or welfare of other citizens.

(b) If it is determined by the city manager, or his designee, that any owner of record of real property has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the city manager, or his designee, shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by 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. The notice shall be written in plain language and shall also include but not be limited to the following elements:

(i) A brief statement of this section shall contain the consequences of failing to remedy the noted condition;

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

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

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

(c) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the city manager, or his designee, shall immediately cause the condition to be remedied or removed as a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds of Jefferson County, Tennessee, the costs shall be a lien on the property, as provided in Tennessee Code Annotated, § 6-54-113, in favor of Jefferson City, second only to liens of the state, county, or city for taxes, any lien of the city for special assessments and

any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of Jefferson City 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 person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials, the ten-day period of the first sentence of this subsection shall be twenty (20) days, excluding Saturdays, and legal holidays.

(d) The city manager, or his designee, shall be charged with the responsibility for administration and enforcement of this section. Upon request of the person aggrieved by the determination made pursuant to subsection (b), a hearing shall be conducted by the city manager. A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (b). Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

Any person aggrieved by an order or act of the city manager, or his designee, may seek judicial review of the order or act. The time period established in subsection (c) shall be stayed during the pendency of a hearing.

(e) The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(2) Service fee for lot mowing. (a) Payment rates for said services shall be two hundred fifty (\$250.00) per hour with a minimum payment of one hundred twenty-five dollars (\$125.00).

(b) Mowing services shall be charged in thirty (30) minute time periods, with any portion of a period charged as a full 30 minutes.

(c) A deposit shall be given to the city recorder in the amount of thirty-five dollars (\$35.00) in advance of any such mowing services. (1996 Code, § 8-107, as amended by Ord. #99-19, Dec. 1999)

13-106. 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. (1996 Code, § 8-108)

13-107. 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. (1996 Code, § 8-109)

13-108. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1996 Code, § 8-104)

13-109. Junked yards. Junked yards are prohibited within the corporate limits of Jefferson City and it shall be unlawful for an owner or occupant of property within the corporate limits to maintain a junked yard as defined herein. A junked yard is: a yard, tract, or lot within the corporate limits which has debris, litter, garbage (bagged or unbagged, including food products), household items (such as refrigerators or other appliances, furniture, upholstery, cabinets, bathroom or kitchen fixtures, etc.), paper products, construction materials (such as wood, boards, pipes, brick, etc.), cloth or clothing strewn about or piled in public view whether in a yard, carport visible to the public, or porch area. (as added by Ord. #2001-15, Feb. 2002)

CHAPTER 2

JUNKYARDS AND JUNK VEHICLES¹

SECTION

- 13-201. Definitions.
- 13-202. Screening required.
- 13-203. Screening methods.
- 13-204. Requirements for effective screening.
- 13-205. Maintenance of screens.
- 13-206. Utilization of highway right-of-way.
- 13-207. Existing junkyards and properties containing junk vehicles.
- 13-208. Permits and fees.
- 13-209. Violations and penalty.

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

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

(3) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one, or in a combination of any two or more, of the following ways, that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways, under its own power if self-propelled, or while being towed or pushed if not self-propelled:

(a) Flat tire, missing tire, missing wheel, or missing or partially or totally disassembled tire and wheel;

(b) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including but not limited to engine, transmission, transaxle, drive shaft, differential or axle;

¹Municipal code reference
 Junked vehicles: § 15-124.
 Junked yards: § 13-109.

(c) Extensive exterior body damage, or missing or partially or totally disassembled essential body parts, including but not limited to fenders, doors, engine hood, bumpers, windshield, or windows;

(d) Missing, or partially or totally disassembled essential interior parts, including but not limited to driver's seat, steering wheel, instrument panel, clutch, brake or gear shift lever;

(e) Missing, or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including but not limited to starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;

(f) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(g) Vehicle is lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method; or

(h) General environment in which the vehicle sits, including but not limited to vegetation that has grown up around, in or through the vehicle, collection of pools of water in the vehicle, or accumulation of other garbage or debris around the vehicle.

(4) "Property" means any real property within the city which is privately owned, and includes property held in conjunction with a business enterprise such as an auto/marine repair shop.

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

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

(7) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk or junk vehicles so that they are not visible from the highways and streets of the city. (1996 Code, § 8-110, as replaced by Ord. #2003-01, March 2003)

13-202. Screening required. Every junkyard or property containing junk vehicles shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter. (as added by Ord. #2003-01, March 2003)

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

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

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

(3) Architectural barriers. The utilization of:

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

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

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

(4) Nature objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (as added by Ord. #2003-01, March 2003)

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

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

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

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

(4) At no time after the screen is established shall junk or junk vehicles be stacked or placed high enough to be visible above the screen nor shall junk or junk vehicles be placed outside of the screened area. (as added by Ord. #2003-01, March 2003)

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

If not replaced within sixty (60) days the city may replace said screening and shall require payment upon demand. (as added by Ord. #2003-01, March 2003)

13-206. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard or storage of junk vehicles is prohibited; this shall include temporary use for the storage of junk pending disposition. (as added by Ord. #2003-01, March 2003)

13-207. Existing junkyards and properties containing junk vehicles. Those junkyards or properties containing junk vehicles within the city and lawfully in existence prior to the enactment of this chapter, which do not conform with the provisions of this chapter shall have ninety (90) days from the date of the final passage of this chapter to comply with the provisions of this chapter. (as added by Ord. #2003-01, March 2003)

13-208. Permits and fees. It shall be unlawful for any junkyard or property containing junk vehicles located within the city to operate without a "junkyard control permit" issued by the city.

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

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

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

(4) Permits shall be issued only to those junkyards and properties containing junk vehicles that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued. (as added by Ord. #2003-01, March 2003)

13-209. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2003-01, March 2003)

CHAPTER 3

DISPLAY OF ADDRESSES

SECTION

13-301. Display of address or identification number.

13-302. Penalties.

13-301. Display of address or identification number. The owner, occupant, or person in control of any house, mobile home, other residence, business, building, or other structure within the City of Jefferson City for which an address or identification number has been assigned by the Jefferson County Emergency Communications District (or its predecessors or successors in interest) shall, at the cost of the owner, occupant, or person in control of the property which has been assigned the address or identification number, and within sixty (60) days of the enactment of the ordinance comprising this chapter or within sixty (60) days of receiving notification of the assigned address or identification number (whichever is later):

(1) Cause the assigned number to be permanently prominently displayed in numerals of not less than four (4) inches in height in a conspicuous place on said house, mobile home, other residence, business, building, or other structure so as to be clearly visible and identifiable at all times during daylight hours to persons traveling in vehicles in either direction upon the road or street on which the structure is located. In addition, the numbers shall:

(a) Be located at least three feet above street level.

(b) Contrast with the background on which they are placed so that they may be seen clearly, such as black numbers on a white background or white numbers on a black background.

(c) Be numerical, not script.

(2) Cause any mailbox serving a house, mobile home, other residence, business, building or other structure, or any mailbox serving a unit within a multi-unit structure, to permanently and prominently display the assigned number at a size of not less than three (3) inches in height.

(3) Cause the assigned number to be permanently and prominently displayed at a size of not less than four (4) inches in height on a number post clearly visible from the road or street if neither the number displayed on the structure nor the number displayed on the mailbox are discernible from the road or street on which the structure is located.

(4) Cause the removal from the structure and/or mailbox any number different from the assigned number. (Ord. #2000-04, April 2000)

13-302. Penalties. Any person who knowingly and willfully violates this chapter shall be subject to a fine of not less than \$20.00 nor more than \$50.00.

Each day in which a violation occurs may be a separate offense. (Ord. #2000-04, April 2000)

CHAPTER 4

SLUM CLEARANCE

SECTION

- 13-401. Findings of council.
- 13-402. Definitions
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of orders.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation deemed unlawful.

13-401. Findings of council. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1996 Code, § 4-1301, as replaced by Ord. #2002-16, Sept. 2002)

13-402. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the city council charged with governing the city.

(3) "Municipality" shall mean the City of Jefferson City, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

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

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

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

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

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (1996 Code, § 4-1302, as replaced by Ord. #2002-16, Sept. 2002)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the city manager of the city or his designee, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the city manager or his designee. (1996 Code, § 4-1303, as replaced by Ord. #2002-16, Sept. 2002)

13-404. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (1996 Code, § 4-1304, as replaced by Ord. #2002-16, Sept. 2002)

13-405. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

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

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

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (1996 Code, § 4-1305, as replaced by Ord. #2002-16, Sept. 2002)

13-406. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (1996 Code, § 4-1306, as replaced by Ord. #2002-16, Sept. 2002)

13-407. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (1996 Code, § 4-1307, as replaced by Ord. #2002-16, Sept. 2002)

13-408. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Jefferson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in

any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Jefferson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Jefferson City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1996 Code, § 4-1308, as replaced by Ord. #2002-16, Sept. 2002)

13-409. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Jefferson City. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (1996 Code, § 4-1309, as replaced by Ord. #2002-16, Sept. 2002)

13-410. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Jefferson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2002-16, Sept. 2002)

13-411. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying

out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #2002-16, Sept. 2002)

13-412. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

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

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

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #2002-16, Sept. 2002)

13-413. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #2002-16, Sept. 2002)

13-414. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2002-16, Sept. 2002)

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING.
3. MUNICIPAL FLOODPLAIN ZONING ORDINANCE.
4. STORMWATER MANAGEMENT.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.
- 14-104. Fees for special called meetings.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members, one (1) of the members shall be the mayor and one (1) of the members shall be a member of the city council selected by the city council. All other members shall be appointed by the mayor. All members of the commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years respectively so that the term of one (1) member expires each year. The term of the mayor shall coincide with his or her term of office, and the term of the city council member selected by the city council shall be until the January regular meeting following the next general election held by the city, with the exceptions that the city council appointee selected in July, 2003, shall serve until the July, 2005 regular meeting and the city council appointee selected at the July, 2005 regular meeting shall serve until the January, 2007, regular meeting. 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. (1996 Code, § 11-101, as amended by Ord. #99-12, June 1999, and Ord. #2003-08, Oct. 2003)

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. (1996 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1996 Code, § 11-103)

14-104. Fees for special called meetings. Any person requesting a special called meeting of the Jefferson City Regional Planning Commission shall be charged a filing fee of five hundred dollars (\$500.00). In the event that the meeting does not occur through no fault of the requesting party, the fee will be refunded. (as added by Ord. #2016-02, March 2016)

CHAPTER 2**ZONING****SECTION**

14-201. Zoning.

14-201. Zoning. An ordinance, 434, as amended, and pursuant to the authority granted by § 13-7-202, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare, known as the "Zoning Ordinance," is hereby adopted by reference and shall constitute the Zoning Ordinance of Jefferson City. (1996 Code, § 11-201)

CHAPTER 3

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

- 14-301. Statutory authorization, findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.
- 14-307. Legal status provisions.

14-301. Statutory authorization, findings of fact, and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Jefferson City, Tennessee, Mayor and City Council, do ordain as follows:

(2) Findings of fact. (a) The City of Jefferson City, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the City of Jefferson City, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are: (a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #2008-14, Nov. 2008, and replaced by Ord. #2010-06, June 2010)

14-302. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures;

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Jefferson City, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use

with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood" see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure," for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(c) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #2008-14, Nov. 2008, and replaced by Ord. #2010-06, June 2010)

14-303. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Jefferson City, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Jefferson City, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), community panel numbers 0044, 0063, 0064, 0070, 132, 0151, 0152, 0153, 0154, 0175, and FEMA's official flood maps and study dated December 16, 2008 and numbered 47089CV000A, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Jefferson City, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by

Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Jefferson City, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #2008-14, Nov. 2008, replaced by Ord. #2010-06, June 2010, and amended by Ord. #2010-16, Oct. 2010)

14-304. Administration. (1) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-305(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest

adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-304(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-304(2).

(h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee

registered professional engineer or architect, in accordance with § 14-304(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Jefferson City, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #2008-14, Nov. 2008, and replaced by Ord. #2010-06, June 2010)

14-305. Provisions for floor hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-305(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-305(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the

administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-305(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-305(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage;

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards;

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-305(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-303(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during

the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Jefferson City, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-303(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-305(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or

floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-305(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Jefferson City, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2). Within approximate A Zones, require that those subsections of § 14-305(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-303(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-305(1) and (2), apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-305(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be

floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-304(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-304 and 14-305 shall apply.

(8) Standards for unmapped streams. Located within the City of Jefferson City, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (as added by Ord. #2008-14, Nov. 2008, and replaced by Ord. #2010-06, June 2010)

14-306. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The City of Jefferson City, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All

meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of twenty-five dollars (\$25.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Jefferson City, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-306(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #2008-14, Nov. 2008, and replaced by Ord. #2010-06, June 2010)

14-307. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Jefferson City, Tennessee, the most restrictive shall in all cases apply. Furthermore, this ordinance replaces ordinance numbers 94-9 and 2008-14; and, section 780 of the Jefferson City Zoning Ordinance is hereby amended by replacing all references to ordinances 94-9 or 2008-14 with this ordinance.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

(3) Effective date. This ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Jefferson City, Tennessee, and the public welfare demanding it. (as added by Ord. #2008-14, Nov. 2008, and replaced by Ord. #2010-06, June 2010)

CHAPTER 4**STORMWATER MANAGEMENT****SECTION**

- 14-401. General provisions.
- 14-402. Definitions.
- 14-403. Waivers.
- 14-404. Stormwater system design: construction and permanent stormwater management.
- 14-405. Permanent storm water management: operation, maintenance, and inspection.
- 14-406. Existing locations and ongoing developments.
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14-401. General provisions. (1) Purpose. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city;

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges;

(c) Allow the city to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the city, whether or not owned and operated by the city;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The city's director of public works and utilities shall administer the provisions of this chapter.

(3) Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater. (as added by Ord. #2016-06, June 2016)

14-402. Definitions. For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.¹

(2) "As built plans" means drawings depicting conditions as they were actually constructed.

¹Appendix A (available in the recorder's office) contains a defense of the proposition that a municipality can legally impose an administrative penalty of more than fifty dollars (\$50.00).

(3) "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(4) "Borrow pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

(5) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

(6) "Buffer zone requirements" (a) "Construction" applies to all streams adjacent to construction sites, with an exception for streams designated as impaired or exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') natural riparian buffer zone adjacent to all streams at the

construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for qualified hydrologic professionals, TN Rules chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty feet (30') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

(b) Buffer zone requirements for discharges into impaired or exceptional waters: a sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or exceptional waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than twenty-five feet (25') at any measured location.

(c) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of

the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(7) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(8) "Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(9) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds map cont.html?bkmrk=tn](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds%20map%20cont.html?bkmrk=tn). Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(10) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(11) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(12) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(13) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

(14) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(15) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses:

- (a) Vehicle salvage yards and recycling facilities;
- (b) Vehicle service and maintenance facilities;
- (c) Vehicle and equipment cleaning facilities;
- (d) Fleet storage areas (bus, truck, etc.);
- (e) Industrial sites (included on Standard Industrial Classification code list);
- (f) Marinas (service and maintenance);
- (g) Public works storage areas;
- (h) Facilities that generate or store hazardous waste materials;
- (i) Commercial container nursery;
- (j) Restaurants and food service facilities;
- (k) Other land uses and activities as designated by an appropriate review; authority.

(16) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(17) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §14-507(2).

(18) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(19) "Inspector" An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities.

An inspector may also have the following responsibilities:

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
- (b) Update field SWPPPs;
- (c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
- (d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(20) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(21) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(22) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(23) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system.

(24) "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(25) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(26) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(27) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(28) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(29) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(30) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(31) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(32) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.

(33) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(34) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(35) "Stormwater entity" means the entity designated by the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the city.

(36) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(37) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(38) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(39) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

(40) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(41) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(42) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(43) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(44) "Water quality buffer" see "buffer."

(45) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(46) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(47) "Waters" or "waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(48) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(49) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules and Regulations of the State of Tennessee, chapter 1200-4-3-.04(3)).

14-403. Waivers. (1) General. No waivers will be granted any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the 2010 NPDES general permit for discharges from small municipal separate storm sewer systems primary requirement for on-site permanent stormwater management may be considered, if:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must

be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the director of public works and utilities that the proposed alternative will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions or habitat;

(c) Accelerated streambank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(3) Grading permit not to be issued where alternatives requested. No grading permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. (as added by Ord. #2016-06, June 2016)

14-404. Stormwater system design: construction and permanent stormwater management. (1) MS4 stormwater design or BMP manuals.

(a) Adoption. The city adopts as its MS4 stormwater design and Best Management Practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(i) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) The Nashville-Davidson County Metro Stormwater Management Manual (BEST MANAGEMENT PRACTICES (BMP) MANUAL - volume 4) (Note: this selection is provided as a suggestion only. TDEC plans on issuing a similar manual in cooperation with the University of Tennessee's Water Resources Center in 2013.); most current edition.

(iii) A collection of MS4 approved BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the CGP.

(b) The city's BMP manual(s) include a list of acceptable BMPs including the specific design performance criteria and operation and

maintenance requirements for each stormwater practice. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(c) The city manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the city, upon the recommendation of the director of public works and utilities based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) Land development. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. These standards apply to any new development or redevelopment site that meets one (1) or more of the following criteria:

- (a) One (1) acre or more;
 - (i) New development that involves land development activities of one (1) acre or more;
 - (ii) Redevelopment that involves other land development activity of one (1) acre or more;
- (b) Projects or developments of less than one (1) acre of total land disturbance may also be required to obtain authorization under this ordinance if:
 - (i) The director of public works and utilities has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
 - (ii) The Director of public works and utilities has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state;
 - (iii) Changes in state or federal rules require sites of less than one (1) acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;
 - (iv) Any new development or redevelopment, regardless of size, that is defined by the director of public works and utilities to be a hotspot land use; or
 - (v) Minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, even multiple, that is part of a separate and distinct land development activity that may take place at different times on different schedules.

Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a

Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (DEC) Rules, chapter 1200-4-6.

(3) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4. Permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the director of public works and utilities. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the DEC's data viewer web site.

Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(4) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management: The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (5) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(5) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the requirements found in the MS4 BMP manual, and shall include at least the following:

- (a) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.
- (c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing storm water leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for

controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(6) General design performance criteria for permanent stormwater management: the following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(i) Redevelopment;

(ii) Brownfield redevelopment;

- (iii) High density (>7 units per acre);
- (iv) Vertical density, (Floor to Area Ratio (FAR) of 2 or >18 units per acre); and
- (v) Mixed use and transit oriented development (within one half (1/2) mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the director of public works and utilities may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit Hydrologic Unit Code (HUC) as the original project. Off-site mitigation must be a minimum of one and one half (1.5) times the amount of water not managed on site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the director of public works and utilities. The director of public works and utilities shall identify priority areas within the watershed in which mitigation projects can be completed. The director of public works and utilities must create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.

(h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(j) Prior to or during the site design process, applicants for land disturbance permits shall consult with the director of public works and

utilities to determine if they are subject to additional storm water design requirements.

(k) The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities.

(7) Minimum volume control requirements. (Note: the volume control requirements are by the MS4 and not the TDEC MS4 permit) in accordance with § 14-401(1)(c)(iii) the MS4 may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the MS4 BMP manual.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the director of public works and utilities may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(8) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the director of public works and utilities to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map: topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural and non-structural BMPs;

(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(d) Calculations: hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show

that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the MS4 BMP manual. Such calculations shall include:

- (i) A description of the design storm frequency, duration, and intensity where applicable;
- (ii) Time of concentration;
- (iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
- (iv) Peak runoff rates and total runoff volumes for each watershed area;
- (v) Infiltration rates, where applicable;
- (vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
- (vii) Flow velocities;
- (viii) Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and
- (ix) Documentation of sources for all computation methods and field test results.

(e) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(9) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(10) Buffers and buffer zones. Buffer and buffer zones shall be those buffers and buffer zones as those terms are defined in § 14-402(5) and (6), above, and shall meet the requirements contained in those provisions.

(a) Construction. (i) Construction requires buffer zone widths of a minimum of thirty feet (30'). The thirty foot (30') criterion for the width of the buffer zone can be established on an average width basis. As long as the minimum width of the buffer zone is fifteen feet (15'). The buffer zone shall meet all the other applicable requirements of § 14-402(5) and (6).

(ii) Construction on impaired or exceptional waters. The width of the buffer zone shall be a minimum of sixty feet (60'). The

sixty feet (60') criterion for the width of the buffer zone can be established on an average basis at a project as long as the minimum width of the buffer is more than thirty feet (30') at any measured location. The buffer zone shall meet all the other applicable requirements of 14-402(5) and (6).

(b) Permanent. (i) More than one (1) square mile drainage area will require buffer zones of a minimum of sixty feet (60'). The sixty foot (60') criterion for the width of the buffer zone can be established on an average width basis, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(ii) Less than one (1) square mile drainage area. Less than one (1) square mile drainage area will require buffer zones of a minimum of thirty feet (30'). The thirty foot (30') criterion for the width of the buffer zone can be established on an average width basis, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The buffer zone shall meet all the other applicable requirements of § 14-402(5) and (6). (as added by Ord. #2016-06, June 2016)

14-405. Permanent stormwater management: operation, maintenance, and inspection. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse

soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of storm water management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in §14-406.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party. (as added by Ord. #2016-06, June 2016)

14-406. Existing locations and ongoing developments. (1) On-site stormwater management facilities maintenance agreement:¹

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (5) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed

¹Appendix B contains a sample maintenance agreement that runs with the land. Numerous other maintenance agreements are available from MTAS and Tennessee cities. Appendix C contains an outline of the law governing covenants that run with the land. These appendixes are available in the recorder's office.

written report of the inspection to the director of public works and utilities. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the director of public works and utilities.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the director of public works and utilities shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the director of public works and utilities cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement. (a) The director of public works and utilities shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The city may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the

city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/operator inspections - generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The director of public works and utilities (stormwater entity) may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type,
- (ii) Inspection date,
- (iii) Latitude and longitude and nearest street address,
- (iv) BMP owner information (e.g. name, address, phone number, fax, and email),
- (v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,
- (vi) Photographic documentation of BMPs, and
- (vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The director of public works and utilities may require submittal of this documentation.

(4) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in § 14-405(2)(c)(i), (ii), (iii) and on a schedule acceptable to the director of public works and utilities.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc., shall be cleared from drainage ways.

(e) Stormwater runoff shall, at the discretion of the director of public works and utilities be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:

- (i) Ponds
 - (A) Detention pond
 - (B) Extended detention pond
 - (C) Wet pond
 - (D) Alternative storage measures
- (ii) Constructed wetlands
- (iii) Infiltration systems
 - (A) Infiltration/percolation trench
 - (B) Infiltration basin
 - (C) Drainage (recharge) well
 - (D) Porous pavement
- (iv) Filtering systems
 - (A) Catch basin inserts/media filter
 - (B) Sand filter
 - (C) Filter/absorption bed
 - (D) Filter and buffer strips
- (v) Open channel
 - (A) Swale

(5) Corrections of problems subject to appeal. Corrective measures imposed by the director of public works and utilities under this section are subject to appeal under § 14-410 of this chapter. (as added by Ord. #2016-06, June 2016)

14-407. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with § 14-406 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water,

improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources;
 - (ii) Landscape irrigation or lawn watering with potable water;
 - (iii) Diverted stream flows;
 - (iv) Rising ground water;
 - (v) Groundwater infiltration to storm drains;
 - (vi) Pumped groundwater;
 - (vii) Foundation or footing drains;
 - (viii) Crawl space pumps;
 - (ix) Air conditioning condensation;
 - (x) Springs;
 - (xi) Non-commercial washing of vehicles;
 - (xii) Natural riparian habitat or wetland flows;
 - (xiii) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
 - (xiv) Firefighting activities;
 - (xv) Any other uncontaminated water source.
- (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge if the city has so specified in writing.
- (d) Discharges authorized by the Construction General Permit (CGP), which comply with section 3.5.9 of the same:
 - (i) Dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
 - (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
 - (iii) Water used to control dust in accordance with CGP section 3.5.5;
 - (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
 - (v) Routine external building washdown that does not use detergents or other chemicals;
 - (vi) Uncontaminated groundwater or spring water; and

(vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city. (as added by Ord. #2016-06, June 2016)

14-408. Enforcement.¹ (1) Enforcement authority. The director of public works and utilities shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) Verbal warnings - At a minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices - Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties - The MS4 has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders - Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations - Where a facility is in noncompliance, the MS4's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

(f) Additional measures - The MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation: (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the director of public works and utilities finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the director of public works and utilities may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director of public works and utilities.

¹See Appendix D (available in the recorder's office) for consideration of possible conflicts between building codes and stormwater regulations.

Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The director of public works and utilities is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The director of public works and utilities may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the director of public works and utilities finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the director of public works and utilities finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the director of public works and utilities may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith; or

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The director of public works and utilities may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the city. A suspended, revoked or modified permit may be reinstated after the applicant or other

responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the director of public works and utilities may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) **Conflicting standards.** Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the city under this ordinance, the strictest standard shall prevail. (as added by Ord. #2016-06, June 2016)

14-409. Penalties. (1) **Violations.** Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the director of public works and utilities, shall be guilty of a civil offense.

(2) **Penalties.** Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the director of public works and utilities of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation.¹ Each day of violation shall constitute a separate violation.

(3) **Measuring civil penalties.** In assessing a civil penalty, the director of public works and utilities may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the city;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) **Recovery of damages and costs.** In addition to the civil penalty in subsection (2) above, the city may recover:

¹Appendix A (available in the recorder's office) contains a defense of the proposition that municipalities can legally impose an administrative fine of more than fifty dollars (\$50.00).

(a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.

(b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) Referral to TDEC. Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

(a) Construction project or industrial facility location;

(b) Name of owner or operator;

(c) Estimated construction project or size or type of industrial activity (including SIC code, if known);

(d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #2016-06, June 2016)

14-410. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city's governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the city's governing body, or other appeals board established by the city's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

(3) Appealing decisions of the city's governing body. Any alleged violator may appeal a decision of the city's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #2016-06, June 2016)

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. CHILD PASSENGER RESTRAINT.
9. VEHICLE IMPOUNDMENT LOT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Motor freight vehicle traffic regulation.
- 15-105. One-way streets.
- 15-106. Unlaned streets.
- 15-107. Laned streets.
- 15-108. Yellow lines.
- 15-109. Miscellaneous traffic-control signs, etc.
- 15-110. General requirements for traffic-control signs, etc.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-111. Unauthorized traffic-control signs, etc.
- 15-112. Presumption with respect to traffic-control signs, etc.
- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Damaging pavements.
- 15-123. Bicycle riders, etc.
- 15-124. Junked vehicles.
- 15-125. Play vehicles containing wheels on streets, sidewalks, and other public places prohibited.
- 15-126. Compliance with financial responsibility law required.
- 15-127. [Deleted.]
- 15-128. Adoption of state traffic statutes.
- 15-129. Leaving roadway to avoid compliance.

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. (1996 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. (1996 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. (1996 Code, § 9-107)

15-104. Motor freight vehicle traffic regulation. 1. Definitions. The following words or phrases shall for the purposes of this section mean:

- a. "Motor freight vehicle," shall mean any truck capable of hauling freight with a capacity in excess of 3/4 tons.
- b. "Thru truck," shall mean any motor freight vehicle passing through the city without stopping to load or unload freight, or not home bound within the city.

2. Regulation of motor freight vehicles on city streets. a. It shall be unlawful for any motor freight vehicle that is a thru truck to drive on any city street unless the street has been designated as a "truck route."

b. The Old Andrew Johnson Highway and Odyssey Road, as shown on the attached map,¹ are hereby designated as a truck route for thru trucks. (1996 Code, § 9-108, as amended by Ord. #96-46, Dec. 1996)

15-105. 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. (1996 Code, § 9-109)

15-106. 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 city 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. (1996 Code, § 9-110)

15-107. Laned streets. (1) 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.

(2) 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. (1996 Code, § 9-111)

15-108. 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

¹The referenced map is available for public inspection in the office of the recorder.

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. (1996 Code, § 9-112)

15-109. 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 city unless otherwise directed by a police officer.

(2) It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1996 Code, § 9-113)

15-110. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,¹ and shall be uniform as to type and location throughout the city. (1996 Code, § 9-114, modified)

15-111. 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. (1996 Code, § 9-115)

15-112. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1996 Code, § 9-116)

15-113. 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

¹For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1996 Code, § 9-117)

15-114. 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. (1996 Code, § 9-118)

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1996 Code, § 9-120)

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1996 Code, § 9-121)

15-117. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1996 Code, § 9-122)

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1996 Code, § 9-123)

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1996 Code, § 9-124)

15-120. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1996 Code, § 9-125)

15-121. Passing. (1) 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.

(2) 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.

(3) 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.

(4) No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

(5) 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.

(6) 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. (1996 Code, § 9-126)

15-122. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, or track is likely to damage the surface or foundation of the street. (1996 Code, § 9-119)

15-123. Bicycle riders, etc. (1) Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city 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, or motor driven cycles.

(2) No person operating or riding a bicycle, motorcycle, or motor driven cycle 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.

(3) No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(5) No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

(6) All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

(7) Each driver of a motorcycle or motor driven cycle 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 or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety 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 or motor driven cycle in violation of this section. (1996 Code, § 9-127)

15-124. Junked vehicles. 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

a. "Antique." Any vehicle over 25 years old.

b. "Demolisher." Any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle a motor vehicle.

c. "Junked vehicle." Any vehicle which is wrecked, dismantled, partially dismantled, or discarded.

d. "Person." Any person or individual, firm, organization, partnership, association, corporation or company of any kind.

e. "Property." Any real property within Jefferson City, Tennessee, which is not a public right-of-way.

f. "Shall." The word "shall" is mandatory and not merely directory.

g. "Vehicle." Any machine propelled other than by human power which is designed to travel along the ground by use of wheels, treads, runners, or slides, and transports persons or property and shall include, and not be limited to, automobiles, trucks/trailers, motorcycles, tractors, mobile homes, or motor homes.

2. Location or presence of junked vehicles within the city deemed public nuisance; exceptions. The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within Jefferson City, shall be deemed a

public nuisance, and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on property, or to allow or permit the same to be placed, located, maintained or exist upon his or their own real property; provided that this section shall not apply to:

a. Any vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned dragstrips or raceways;

b. Any antique retained and maintained by the owner for collection purposes other than for salvage or for transportation. Such vehicle shall be maintained in operable condition and at the discretion of the authority with jurisdiction be required to comply with item (c) of subsection (2) of this chapter.

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

d. Any junked vehicle in an appropriate storage place or depository maintained at a location designated and approved by Jefferson City.

3. Removal of junked vehicles required. a. The accumulation and storage of one or more such vehicles in violation of the provision of this chapter shall constitute rubbish and unsightly debris and a nuisance and may be detrimental to the health, safety, and general welfare of the inhabitants of Jefferson City.

b. It shall be the duty of the registered owner of such vehicle and it shall also be the duty of the person in charge of control of the property upon which such junked vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the vehicle to a place of lawful storage or to have the vehicle housed within a building where it will not be visible from a public right-of-way.

4. Notification and authority. a. Whenever any such public nuisance exists on occupied or unoccupied, commercial or residential, private or public property within Jefferson City, the owner or owners of said property shall be notified by the city manager or his authorized agent to abate or remove the nuisance. The notification shall:

i. Be in writing,

ii. Specify the public nuisance and its location,

iii. Specify any corrective measures that can be taken,

and

iv. State that compliance must be provided within ten (10) days of receipt of the notification.

b. 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 Jefferson City. If the owner or owners of the premises

fail to or refuse to comply with the order of the city manager or his authorized agent within a ten (10) day period after notification, such failure or refusal to remove the nuisance shall be deemed a violation of the provisions of this chapter and said owner or owners shall be subject to the penalties provided within this chapter.

c. If the owner or owners of the vehicle or premises upon which the junked vehicle lies fail or refuse to comply with the order of the city manager or his authorized agent within a ten (10) day period after notification, the city manager and/or his authorized agent may enter upon said property, take possession of junked vehicle or vehicles and remove the same from said property. Upon completion of such removal, any reasonable costs incurred, plus 15 percent for inspection and other incidental costs for correction purposes, shall be paid by the owner or owners of said property to Jefferson City and said costs shall be billed to said owner or owners accordingly. If the bill is not fully paid to the city within sixty (60) days after receipt of the bill, a ten (10) percent penalty shall be added to the balance due. The costs and penalty shall be placed on the tax roll of Jefferson City as a lien upon the property and collected in the same manner as other city taxes are collected.

5. Authority to enforce. The city manager and/or his authorized agent(s) may enter upon private property for the purposes specified in the ordinance in order to examine vehicles or parts thereof, obtain information as to identity of vehicle(s) and remove or cause to remove the vehicle or parts of a vehicle declared a public nuisance.

6. Nuisances on public thoroughfares. Nothing in this chapter shall affect other ordinances or procedures that allow for the removal of vehicles left on public property or which constitute obstruction to traffic within the city.

7. Penalty. Upon conviction for violation of any provisions of this chapter relating to the maintaining of a public nuisance as described herein or in permitting or allowing such public nuisance to exist, such violator shall be punished by a fine not to exceed fifty (50) dollars and each day that such nuisance shall continue after the time for removal as herein provided shall constitute a separate offense.

8. Full force and effect. If any section or part of any section or paragraph of this section is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph in this chapter. (1996 Code, § 9-128)

15-125. Play vehicles containing wheels on streets, sidewalks, and other public places prohibited. 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 purpose by the city council. (1996 Code, § 9-129, as amended by Ord. #2018-10, Dec. 2018 **Ch14_12-2-19** and Ord. #2019-04, April 2019 **Ch14_12-2-19**)

15-126. Compliance with financial responsibility law 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 the 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 purposes of this section, "financial responsibility" means:

a. Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

b. A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

c. The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

4. Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or 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. #2002-07, April 2002)

15-127. [Deleted.] (as added by Ord. #2003-03, May 2003, and deleted by Ord. #2007-01, Feb. 2007)

15-128. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, §16-18-302, the City of Jefferson City 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 City of Jefferson City adopts Tennessee Code Annotated, §§ 55-4-101 through 55-4-128, §§ 55-4-130 through 55-4-133, §§ 55-4-135 through 55-4-138, §§ 55-8-181 through 55-8-191, § 55-8-193, § 55-8-199, §§ 55-9-401 through 55-9-408, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-50-351, by reference as if fully set forth in this section. (as added by Ord. #2005-17, Nov. 2005, and replaced by Ord. #2010-14, Sept. 2010, and Ord. #2021-13, Nov. 2021 *Ch15_12-06-21*)

15-129. Leaving roadway to avoid compliance. 1. It shall be unlawful for the operator of any vehicle to leave the roadway and travel across private or public property devoted to other than highway use, to avoid compliance with an official traffic signal or sign or for the purpose of avoiding obedience to directions given by a law enforcement officer or any traffic regulation or ordinance.

2. Exceptions. This section is subject to exceptions granted to operators of authorized emergency vehicles and to operators of vehicles obeying the directions of law enforcement officers. (as added by Ord. #2001-3, June 2001)

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. (1996 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1996 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1996 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. (1996 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. (1996 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. (1996 Code, § 9-202)

15-303. In school zones. 1. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones 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.

2. When the city council 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.

3. The school zone speed limit in front of Jefferson Elementary and Middle School on State Route 34 is twenty-five (25) miles per hour. (1996 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1996 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 (1996 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. (1996 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1996 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. (1996 Code, § 9-304)

15-405. U-turns. U-turns are prohibited at such times and places as city council shall designate by ordinance. The city manager is authorized to cause

¹State law reference

Tennessee Code Annotated, § 55-8-143.

the appropriate sign age to be erected at the designated places. (1996 Code, § 9-305, as replaced by Ord. #2013-02, March 2013)

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1996 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. (1996 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. (1996 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

1. A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
2. A crossing gate is lowered or a human flagman signals the approach of a railroad train.
3. A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
4. An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1996 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1996 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1996 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

1. Green alone, or "Go":
 - a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
2. Steady yellow alone, or "Caution": 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.
3. Steady red alone, or "Stop": Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until

green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

4. Steady red with green arrow: 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.

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. (1996 Code, § 9-407)

15-508. At flashing traffic-control signals. 1. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

a. Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

b. Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1996 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1996 Code, § 9-409)

¹State law reference

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.
- 15-607. Parking of certain trucks and vehicles prohibited.
- 15-608. Parking of tractors and semi-trailers on residential property.
- 15-609. Parking on Bartlett Street prohibited.
- 15-610. Parking on Jessica Loop and Lauren Drive prohibited.
- 15-611. Parking at intersection of Jefferson Street and George Avenue limited.

15-601. Generally. (1) 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.

(2) Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

(3) Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

(4) 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. (1996 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city 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. (1996 Code, § 9-502)

(...continued)

Tennessee Code Annotated, § 55-8-143.

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1996 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, 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 twenty (20) 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 city. (1996 Code, § 9-504, modified)

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 city as a loading and unloading zone. (1996 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. (1996 Code, § 9-506)

16-607. Parking of certain trucks and vehicles prohibited. 1. It shall be unlawful to park the following trucks or vehicles on any city street in Jefferson City:

- a. Tractor trailer trucks, including detached trailers or tractors.
- b. Any truck, trailer, or tractor, whose capacity is one and one-half (1.5) tons or more.
- c. Any other truck, fixed load vehicle (such as well-drilling apparatus, cranes, etc.), school bus, panel truck, or other vehicle which

by virtue of its height, width, or weight, may constitute a hazard to the traveling public if left unattended.

2. Exceptions. The provisions of this section shall not be deemed to prohibit otherwise lawful parking of such vehicles for the actual loading or unloading of goods, wares, merchandise or persons, provided, however, that "loading" and "unloading" as used in this section shall be limited to the reasonable time necessary for such operation.

3. Penalties. In addition to the penalties available under the general penalty provisions of this code, the police department may tow away a vehicle in violation of this section, at the cost of the owner or operator of the vehicle. (as added by Ord. #2004-08, Aug. 2004)

15-608. Parking of tractors and semi-trailers on residential property.

1. It shall be unlawful to park tractor trailer trucks, including detached trailers or tractors, on residential property.

2. Exceptions. The provisions of this section shall not be deemed to prohibit otherwise lawful parking of such vehicles for the actual loading or unloading of goods, wares, merchandise or persons, provided, however, that "loading" and "unloading" as used in this section shall be limited to the reasonable time necessary for such operation, not to exceed twenty-four (24) hours without prior written permission of the city manager for short term unusual temporary circumstances.

3. Separate offenses. Each twenty-four (24) hour period, or portion thereof, that a tractor trailer, or detached tractor or trailer, is parked in violation of this section shall constitute a separate offense.

4. Penalties. Upon conviction of a violation or violations of this section, the violator shall be punished by a fine not to exceed fifty (50) dollars for each offense.

5. Grace period. Any persons in violation of this section on the date of adoption shall have a grace period of ninety (90) days in which to remove an offending tractor and/or trailer, after which citations may issue. (as added by Ord. #2006-03, April 2006)

15-609. Parking on Bartlett Street prohibited. A "no parking" zone is hereby established on the entirety of Bartlett Street, on each side of the street and for the entire length of the street. The city manager is authorized to implement the erection of appropriate regulatory signs. After the erection of the signs, it shall be unlawful for any person to park in the prohibited areas. (as added by Ord. #2018-07, Oct. 2018 *Ch14_12-2-19*)

15-610. Parking on Jessica Loop and Lauren Drive prohibited. A "no parking" zone is hereby established on the entirety of Jessica Loop and Lauren Drive, on both sides of the streets and for the entire length of the

streets. Parking is prohibited on both sides of the streets. The city manager is authorized to implement the erection of appropriate regulatory signs. After the erection of the signs, it shall be unlawful for any person to park in the prohibited areas. (as added by Ord. #2022-06, June 2022 *Ch16_12-05-23*)

15-611. Parking at intersection of Jefferson Street and George Avenue limited. Three (3) parking spaces shall be allowed on E. Jefferson Street next to the building at 1417 George Avenue. The city manager is authorized to implement the installation of appropriate regulatory signs. (as added by Ord. #2022-12, Oct. 2022 *Ch16_12-05-22*)

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 1. When a police officer of the city halts a traffic violator other than for the purpose of giving a warning, the officer shall issue to the violator a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. In the event said violator refuses to sign the traffic citation agreeing to appear in court and to waive the issuance and service upon him of a warrant, then it shall be the duty of the officer in whose presence the offense is committed, forthwith to place said offender under arrest and take him before the proper authority, procure a warrant, serve the same upon the violator and book him as in other cases of violations, and the authority issuing the warrant shall take bail from the accused for appearance in court for trial, or in lieu thereof commit the offender to jail. In lieu of arrest or posting of bail, the offender may choose to deposit his chauffeur's or operator's license with the police officer.

2. Whenever any person deposits his chauffeur's or operator's license as provided above, either the officer or the court shall issue said person a receipt for said license upon a form approved or provided by the department of safety. (1996 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 upon the issuance of a traffic citation. The clerk or city judge accepting a license shall thereafter forward to the department of safety, the license of a driver deposited in lieu of bail if the driver fails to appear in answering to the charge filed against him. (1996 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle, with or 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 record its license

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

number and may record any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation prior to or on the specified court date during the hours and at the place specified in the citation. It shall be illegal to park within a fire zone. For parking violations the offender may waive his right to a judicial hearing and have the charges disposed of out of court. The fine for parking in the following areas is \$50.00 and shall double to \$100.00 if not paid by the specified court date:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within a pedestrian crosswalk.
5. Within fifteen (15) feet of a fire hydrant.
6. Within a fire zone.
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. Upon any bridge.
9. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
10. Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
11. Alongside any curb painted red or yellow by the city.
12. Within any area designated as a "Tow Away Zone."

The fine for all other parking violations, with the exception of those fines established by state statute for illegally parking in handicapped parking areas, is \$10.00, and shall double to \$20.00 unless paid by the specified court date.

The officers of the Jefferson City Police Department are authorized to cause any vehicle illegally parked in any of the areas enumerated as (1) thru (12) above to be towed and impounded. (1996 Code, § 9-603, as amended by Ord. #99-23, Jan. 2000)

15-704. Impoundment of vehicles. Officers of the police department are hereby further authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to cause to be towed and impounded 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 is found to have outstanding unpaid parking citations. Any vehicle impounded pursuant to this section or § 15-703 shall be stored until the owner or other person entitled to possession claims it, gives satisfactory evidence of ownership or right to possession, pays all applicable towing and storage costs, and presents evidence that all city parking citations have been paid, or until it is otherwise lawfully disposed of. As an alternative to towing and impoundment of vehicles found to have outstanding unpaid parking citation fines, officers are authorized

to utilize a wheel locking device to immobilize the vehicle until such time as evidence is presented that all city parking citation fines have been paid. (1996 Code, § 9-604, as amended by Ord. #99-23, Jan. 2000)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1996 Code, § 9-605)

15-706. Violation and penalty. Unless otherwise provided, any violation of this title shall be a civil offense punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

CHAPTER 8

**CHILD PASSENGER RESTRAINT SYSTEMS AND USE OF SAFETY
BELTS IN PASSENGER VEHICLES****SECTION**

15-801. Child passenger restraint systems.

15-802. Use of safety belts in passenger vehicles.

15-801. Child passenger restraint systems. The City of Jefferson City adopts by reference as if fully set forth in this section, Tennessee Code Annotated, §§ 55-9-602. (1996 Code, § 9-701, as replaced by Ord. #2005-18, Nov. 2005)

15-802. Use of safety belts in passenger vehicles. The City of Jefferson City adopts by reference as if fully set forth in this section, Tennessee Code Annotated, § 55-9-603. (as added by Ord. #2005-18, Nov. 2005)

CHAPTER 9

VEHICLE IMPOUNDMENT LOT

SECTION

- 15-901. Established; purpose.
- 15-902. Operation of impoundment lot and collection of storage charges.
- 15-903. Vehicles subject to impoundment.
- 15-904. Notice to registered owner.
- 15-905. Storage charges.
- 15-906. Release of vehicle from impoundment.
- 15-907. Hearing.
- 15-908. Sale of unclaimed vehicles.
- 15-909. Records.

15-901. Established; purpose. There is hereby established, under the jurisdiction of the police department, an automobile and vehicle impoundment lot, which is defined for purposes of this chapter as a storage place for motor vehicles which are required to be removed from the streets and other public or private places within the city limits for the reasons set forth in § 15-803 or pursuant to other sections of this municipal code. (as added by Ord. #2015-14, Jan. 2016)

15-902. Operation of lot and collection of storage charges. The chief of police shall establish, by rules and regulations, the procedures for the operation of the vehicle impoundment lot and fix the methods of collecting storage charges. (as added by Ord. #2015-14, Jan. 2016)

15-903. Vehicles subject to impoundment. Members of the police department shall have the authority to impound any vehicle, by towing such vehicle to the vehicle impoundment lot, under the following circumstances:

- (1) When a vehicle is parked, stopped, or standing upon an alley, street or highway so as to obstruct or impede the flow of traffic thereon or endanger the safety of the public.
- (2) When a vehicle is parked, stopped, or standing in violation of § 15-703 of this code.
- (3) When the vehicle is blocking access to ramps for handicapped persons.
- (4) Drug related impoundment.¹

¹State law references

Tennessee Code Annotated, § 53-11-201.

- (5) Title law.¹ (as added by Ord. #2015-14, Jan. 2016)

15-904. Notice to registered owner. (1) After a vehicle has remained unclaimed in the impoundment lot for forty-eight (48) hours, the officer in charge of the lot shall send a notice by certified mail, return receipt requested, to the registered owner of the impounded vehicle. The officer shall determine the name and address of the registered owner from state registration records using the vehicle's license plate number and vehicle identification number.

(2) The officer in charge shall deliver the same notice to owners or authorized agents who appear at the impoundment lot to claim a vehicle. The owner or authorized agent shall acknowledge in writing receipt of the notice. If any person required by this section to sign a notice refuses to do so, the officer in charge shall note this fact in writing, which shall constitute prima facie evidence of delivery of notice as required by this section.

(3) The notice shall contain:

(a) A description of the impounded vehicle.

(b) A statement of the date, time, location, and reason for impoundment.

(c) A statement regarding the opportunity for a hearing pursuant to § 15-907.

(d) The procedure for the release of the vehicle pending a hearing, subject to the security requirements.

(e) The impoundment fee schedule and location of the impoundment lot. (as added by Ord. #2015-14, Jan. 2016)

15-905. Storage charges. The following charges are hereby established for the storage of all motor vehicles impounded as provided in this chapter: After the first twenty-four (24) hours, a daily storage fee of thirty dollars (\$30.00) per twenty-four (24) hour day. (as added by Ord. #2015-14, Jan. 2016)

15-906. Release of vehicle from impoundment. (1) The owner of a vehicle impounded pursuant to this chapter or his authorized agent may make application to take possession of the vehicle and remove such vehicle from the impound lot upon presentation of an application for certificate of title or a certificate of title, and upon payment of the cost of towing the vehicle and all charges which have accrued for the storage of the vehicle. However, payment of towing and storage fees shall not relieve the owner of responsibility for the violation.

(2) Any owner who requests a hearing pursuant to § 15-907 may obtain the release of the vehicle from the impound lot without prepayment of any

¹(...continued)

Tennessee Code Annotated, § 55-3-127.

towing or storage costs; provided, however, as security for the impoundment costs, he shall either make a cash deposit or execute a bond with one (1) or more sureties as approved by the chief of police or his designee, payable to the city, in a sum equal to the total impoundment fee as the time of release of the vehicle.

(3) In each case the officer in charge shall give a proper receipt for the fee paid, cash deposit, or bond.

(4) No owner of a vehicle may evade the payment of any impound fee provided for in this chapter by representing that he was not operating the vehicle himself at the time of the violation charged. (as added by Ord. #2015-14, Jan. 2016)

15-907. Hearing. (1) An owner whose vehicle has been towed and impounded pursuant to this chapter shall have the opportunity for a hearing in municipal court on the parking or traffic violation which resulted in the impoundment.

(2) If the court enters a dismissal as to the violation, the court may order the release of the impounded vehicle to the owner, the return of the cash deposit to the owner, or the release of the bond, whichever is applicable.

(3) If the court enters a conviction as to the violation, the owner shall be liable for the towing and storage fees in addition to any fine and court costs. (as added by Ord. #2015-14, Jan. 2016)

15-908. Sale of unclaimed vehicles. (1) If, at the end of thirty (30) days, any impounded vehicle has not been claimed by its rightful owner or his authorized agent and the towing and accumulated storage fees have not been paid, then the police department shall furnish the name, type, model, serial number and motor vehicle identification number to the purchasing agent, who shall initiate the procedure to sell the vehicle for cash at public sale to the highest bidder.

(2) Notice of the sale shall be provided twenty-one (21) days prior to the date of sale by certified letter to the registered owner of the vehicle any lienholders, and by publication in a local newspaper.

(3) Such sale shall be conducted by the city purchasing agent or his designee. The purchasing agent shall cause a descriptive list to be kept of all vehicles sold and the price for which each vehicle was sold.

(4) The funds received from the sale of unclaimed vehicles as provided in this chapter shall be paid by the purchasing agent into the city treasury. (as added by Ord. #2015-14, Jan. 2016)

15-909. Records. Proper records shall be maintained by the police department and the city recorder and money collected shall be paid in the same manner as may be provided by law for public funds. (as added by Ord. #2015-14, Jan. 2016)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET LIGHT POLICY.

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, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. (1) 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. This section shall apply to that part of State Route 34 maintained by the city. This section shall have no application to special events planned by the city and/or merchants organizations.

(2) Merchants organizations planning and promoting special events shall notify the chief of police in writing at least two weeks prior to occupying any portion of any public street. A written permit is required from the chief of police. (1996 Code, § 12-101)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1996 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1996 Code, § 12-103)

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 and the zoning ordinance.¹ (1996 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council after a finding that no hazard will be created by such banner or sign. (1996 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1996 Code, § 12-106)

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. (1996 Code, § 12-107)

¹Municipal code reference

Building code: title 12, chapter 1.

Zoning ordinance: title 14, chapter 2.

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. (1996 Code, § 12-108)

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. (1996 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1996 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1996 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1996 Code, § 12-112)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1996 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Bond or letter of credit.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Other damage to city streets.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a written 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 written permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a written permit on the first regular business day on which the office of the director of public works is open for business, and said written permit shall be retroactive to the date when the work was begun. (1996 Code, § 12-201)

16-202. Applications. Applications for such written permits shall be made to the director of public works, 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

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).

done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. The application and permit shall be considered an "agreement" between the city and the person, firm, corporation, association, or other. (1996 Code, § 12-202)

16-203. Fee. The fee for such permits shall be ten dollars (\$10.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1996 Code, § 12-203)

16-204. Bond or letter of credit. No permit shall be issued unless and until the applicant has deposited with the city recorder a bond, running bond, or letter of credit in favor of the city, in an amount to be determined by the director of public works, that is adequate to cover the cost of restoration. No excavation project may be deemed completed until inspected and approved by the director of public works or his designee. Should the street repair not pass inspection, the director of public works shall notify the person, firm, corporation, association, or others that they have 10 days to make the necessary repairs. In the event that the repairs are not approved, within the 10 day time limit, the city will have the repairs made, with the expense of the repairs charged against the bond or letter of credit. (1996 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights 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. (1996 Code, § 12-205)

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 city shall restore said street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the director of public works shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within twenty-four (24) hours, the city 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 city, 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. Failure to pay the cost of the repair within 10 days will result in the city charging the cost against the bond or letter of credit. (1996 Code, § 12-206)

16-207. Insurance. In addition to making the bond or letter of credit 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 determined by the director of public works 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 \$200,000 for each accident, and for property damages not less than \$50,000, with an aggregate of \$100,000 for all accidents. (1996 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the director of public works. (1996 Code, § 12-208)

16-209. Supervision. The director of public works, or such other person as he may designate, shall inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city 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. (1996 Code, § 12-209)

16-210. Other damage to city streets. It shall be unlawful for any person, firm, corporation, association, or others to damage city streets. Any person, firm, corporation, association, or others determined to have damaged city streets, including sidewalks and curbs, shall be given notice of the damage and a reasonable opportunity to restore the street to its original condition. Failure to make the necessary repair will result in the city making the repair and billing the offender for payment of the damage. The public works director is authorized to make repairs without notice where, in his judgment, the damage constitutes an emergency situation and is a safety hazard for the motoring public. (1996 Code, § 12-210)

CHAPTER 3

STREET LIGHT POLICY

SECTION

16-301. Purpose.

16-302. Location within the city only.

16-303. Location of lights.

16-304. Exceptions.

16-305. New installations.

16-301. Purpose. The following is hereby adopted as the policy for the location and installation of street lights. (1996 Code, § 12-301)

16-302. Location within the city only. Street lights paid for by the city shall be located within the corporate limits only. (1996 Code, § 12-302)

16-303. Location of lights. Street lights will be provided in residential and commercial areas according to the following:

(1) Street lights shall not be placed closer than two hundred (200) feet apart or every other utility pole.

(2) Street lights shall be used to light streets only, except such lights may be placed in publicly owned parking lots and around city owned buildings and facilities.

(3) Street lights shall face the street on which they are located.

(4) Street lights shall not be provided on privately owned streets or private property. (1996 Code, § 12-303)

16-304. Exceptions. The chief of police may request a street light not in conformance with § 16-303(1), (2), or (3) if such light is within a high crime area or high traffic hazard location. Such request must be approved by the city council. (1996 Code, § 12-304)

16-305. New installations. Installation of new street lights will be made by Appalachian Electric Cooperative only through a standard work request signed by the city manager. (1996 Code, § 12-305)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE.
2. RECYCLING.

CHAPTER 1

REFUSE

SECTION

- 17-101. Private premises to be kept clean.
- 17-102. Definitions.
- 17-103. Storage of refuse.
- 17-104. Confiscation of unsatisfactory storage containers.
- 17-105. All refuse must be placed in containers for collection.
- 17-106. Collection of refuse.
- 17-107. Disposal of refuse.
- 17-108. Dumping in streams, sewers, and drains prohibited.
- 17-109. Orders to correct violations.
- 17-110. Violations.
- 17-111. Curbside debris.
- 17-112. Termination of garbage removal service for commercial business.
- 17-113. Garbage collection and sewer charges for houses under construction.
- 17-114. Penalty for non-payment of collection fees.
- 17-115. Unauthorized deposit of garbage or refuse into city owned receptacles prohibited.
- 17-116. Transportation of garbage or refuse into city by non-residents is prohibited.
- 17-117. Presumption concerning garbage, refuse, or litter bearing person's name.

17-101. Private premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Jefferson City are hereby required to keep their premises in a clean and sanitary condition, free from accumulation of refuse, garbage, offal, filth, and trash. All such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the city manager or his representative so as not to cause a nuisance or become injurious to the public health and welfare. (1996 Code, § 8-401)

17-102. Definitions. The following terms shall have the meanings indicated for the purposes of this chapter:

(1) "Refuse." The term "refuse" shall include garbage, rubbish, ashes, and all other putrescible and non-putrescible, combustible and non-combustible materials originating from the preparation, cooking, and consumption of food; market refuse; waste from the handling and sale of produce; and other similar unwanted materials; but shall not include sewage, body waste, or recognizable industrial by-products from all residences and establishments, public and private.

(2) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body waste, including vegetable and animal offal and carcasses of dead animals but excluding recognizable industrial by-products from all public and private residences and establishments.

(3) "Rubbish." The term "rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and establishments.

(4) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(5) "Collector." The term "collector" shall mean any person, firm, or corporation that collects, transports, or disposes of any refuse within the corporate limits of the City of Jefferson City.

(6) "Health officer." The term "health officer" shall mean the city manager or his representative. (1996 Code, § 8-402)

17-103. Storage of refuse. Each owner, occupant, tenant, sub-tenant, Ace, or others using or occupying any building, house, structure, or grounds within the City of Jefferson City, where refuse materials or substances as defined in this chapter accumulate, shall provide an adequate number of suitable containers of a type approved by the health officer, for the storage for such refuse. Such containers shall be constructed of metal, and shall be strong and durable, rodent and insect proof, not readily corrodible, and shall have a capacity not exceeding thirty (30) gallons. Smaller containers may be used if they are of sufficient capacity adequately to meet the requirements. Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight fitting lids or covers constructed of the same material and of such design as to preclude the container from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by an official collector. The storage containers shall be placed in such convenient, accessible location for trucking as may be designated by the official refuse collecting agency.

Wet garbage or refuse must be drained of all liquids prior to placing into a storage receptacle. The containers shall be thoroughly cleaned by washing or

other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (1996 Code, § 8-403)

17-104. Confiscation of unsatisfactory storage containers. The official refuse collecting agency of the city is herein authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when, at the discretion of the health officer, such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and a manner designated by the official collecting agency only after the owner of such containers have been duly notified of such impending action. (1996 Code, § 8-404)

17-105. All refuse must be placed in containers for collection. In no case will it be the responsibility of the refuse collecting agency of the city to shovel or pick up from the ground any accumulations of refuse including leaves, lawn clippings, brush, and packing material. All such materials are to be placed in containers of the type described in § 17-103 or of a type and design which will meet with the approval of the health officer and the requirements of the collecting agency. (1996 Code, § 8-405)

17-106. Collection of refuse. (1) Collection interval. The city manager shall cause to be collected such refuse at least once in every ten days to prevent the occurrence of nuisances and public health problems.

(2) Special collections. Any person, firm, partnership, or corporation requesting refuse collection more often than is regularly provided shall pay to the city a collection fee. For the purposes of this section, regular service shall be considered one (1) collection per week for residential and twice (2) per week for commercial and industrial establishments.

(3) Special collection fees. Any person, firm, partnership, or corporation requesting special collections as provided above shall pay to the city a fee for services as follows:

Residential and commercial, with individual containers, sixty gallons size or less:

1 to 8 containers	\$10.00
9 to 15 containers	\$20.00
16 to 25 containers	\$30.00
26 or more containers	\$40.00

Commercial or industrial establishments, dumpsters, one and one-half cubic yards or larger:

each container	\$6.00
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(4) Private collections. No person, firm, partnership, or corporation shall engage in the business of collecting, hauling, or removing refuse not

located on his own premises for any purpose whatsoever unless such person, firm, partnership, or corporation possesses a permit to do so from the city.

(5) **Permit.** Such permits as provided above shall be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined by the city manager, and in particular, an approved method of disposal in an approved landfill.

(6) **Permit fee.** A permit fee of fifty dollars (\$50.00) shall be paid by the applicant before the issuance of a permit, such fee to be paid to the city recorder. (1996 Code, § 8-406, as amended by Ord. #97-20, Oct. 1997)

17-107. Disposal of refuse. The disposal of refuse in any quantity by any individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site designated by the city council is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health. Such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal. NO garbage shall be fed to swine unless said garbage has first been heated to at least 2120 F, and held there about 30 minutes in apparatus and by methods approved by the health officer. Animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer. (1996 Code, § 8-407)

17-108. Dumping in streams, sewers, and drains prohibited. It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City of Jefferson City. (1996 Code, § 8-408)

17-109. Orders to correct violations. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on public and private premises to owners, occupants, tenants, or lessees of such properties where violations shall be corrected within the time specified by the health officer. (1996 Code, § 8-409)

17-110. Violations. Any person who shall violate any of the provisions of this chapter or who shall fail to refuse to obey any notice issued by the health officer or his representative, or the superintendent of the refuse collection department shall be guilty of a misdemeanor and shall be subject to a penalty under the general penalty clause for this code of ordinances. (1996 Code, § 8-410)

17-111. Curbside debris. (1) A service fee shall be charged for the pickup of curbside debris which requires one (1) man-hour of labor or more. For the purpose of this code, curbside debris shall include, but not be limited to: tree trimmings, brush, discarded building materials, and junk.

(2) The service fee shall be twenty dollars (\$20.00) per man-hour. (1996 Code, § 8-411, modified)

17-112. Termination of garbage removal service for commercial businesses. The City of Jefferson City will not provide, nor charge for garbage removal service for commercial businesses. (as added by Ord. #2003-13, Nov. 2003)¹

17-113. Garbage collection and sewer charges for houses under construction. The City of Jefferson City will not charge for garbage collection or sewer service for units under construction, even if the unit is receiving and paying for water service, until such time as a certificate of occupancy is obtained from the office of the building inspector. (as added by Ord. #2003-14, Nov. 2003)²

17-114. Penalty for non-payment of collection fees. (1) It is unlawful to refuse or neglect to pay the monthly residential garbage service user fee when billed. Each user shall be given ten (10) days from the billing date to make payment to the city.

(2) Each thirty (30) day period that the service fee remains unpaid shall subject the user to a separate \$50.00 civil fine for non payment.

(3) The city may take legal action in the appropriate civil court to collect unpaid user fees. (as added by Ord. #2003-17, Dec. 2003)

17-115. Unauthorized deposit of garbage or refuse into city owned receptacles prohibited. It shall be unlawful for any person to deposit garbage or refuse into city owned bulk trash collection units unless authorized to do so by the city manager or his designee. The city manager or his designee is authorized to cause appropriate signage to be posted on or near the trash collection units. (as added by Ord. #2005-3, May 2005)

17-116. Transportation of garbage or refuse into the city by non-residents is prohibited. It shall be unlawful for any person to transport or cause to be transported garbage or refuse into the city for the purpose of depositing such refuse on or in any street, sidewalk, gutter, park or other public property within the city. This provision shall in no way prohibit city residents from disposing of their household garbage and refuse curbside in accordance with the provisions of this code. (as added by Ord. #2005-3, May 2005)

¹Ord. #2003-13 provides the effective date of this section shall be "December 1, 2003."

²Ord. #2003-14 provides the effective date of this section shall be "December 1, 2003."

17-117. Presumption concerning garbage, refuse, or litter bearing person's name. If an object of litter or refuse, or a garbage container enclosing an object of litter or refuse, is found on private property without the property owner's permission or upon any public property or in any city owned trash collection receptacle, and such object bears a person's name, it shall be prima facie evidence that the person whose name appears in the object caused it to be thrown, dumped or deposited there. (as added by Ord. #2005-3, May 2005)

CHAPTER 2

RECYCLING

SECTION

- 17-201. Definitions.
- 17-202. Policy of curbside recycling.
- 17-203. Recycling required.
- 17-204. Contract for collection and materials to be recycled.
- 17-205. Purchase of recycling containers.
- 17-206. Collection cost and compulsory service charge.
- 17-207. Orders to correct violations.
- 17-208. Violations.

17-201. Definitions. As used in this chapter, terms are defined as follows unless the context indicates otherwise:

(1) "Residence" means and includes a detached single-family structure designed or intended for occupancy by one person or by one family. Each trailer or mobile home in a non-containerized area shall be deemed a "residence," and each paid space shall be deemed a single-family structure.

(2) "Duplex" means and includes a detached two-family structure designed or intended for occupancy by two (2) families and shall be considered two collection customers.

(3) "Triplex" means and includes a detached three-family structure designed or intended for occupancy by three (3) families and shall be considered three collection customers.

(4) "Multi-family dwelling" means and includes any building or structure containing four (4) or more contiguous living units and intended exclusively for residential single persons or families. Multi-family dwelling units including more than four (4) units will not be considered for residential recycling collection service.

(5) "Municipal solid waste" means any garbage, refuse, or household waste required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to Tennessee Code Annotated, Title 68, Chapter 31; provided, however, municipal solid waste does not include the following:

- (a) Radioactive waste;
- (b) Hazardous waste as defined in Tennessee Code Annotated, § 68-46-104;
- (c) Infectious waste;
- (d) Industrial waste which may include office domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility if such waste is generated solely by the owner of the solid waste system or resource recovery facility.

(6) "Contractor" means the person or firm who is in charge of the actual collection of the recyclable materials. This term may be used interchangeably with the term "collector."

(7) "Recyclable materials" mean those materials which are capable of being reused or returned to use in the form of raw materials or products, whether or not such materials have been diverted or removed from the solid waste stream.

(8) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(9) "Solid waste stream" means the system through which solid waste and recoverable materials move from the point of discard to recovery or disposal.

(10) "Solid waste" means any garbage or refuse, including without limitation, recyclable materials when they become discarded. (1996 Code, § 8-601)

17-202. Policy of curbside recycling. It is the policy of Jefferson City, Tennessee to initiate a once a week residential curbside recycling collection program to service residences currently serviced by BFI under contract with Jefferson City. (1996 Code, § 8-602)

17-203. Recycling required. Every residence in Jefferson City, which is currently serviced by BFI, under contract with the city, is required to place recyclable solid waste materials of paper, glass, plastics, and aluminum cans in containers for collection by the city or its contractor. The city manager is authorized to solicit bids for the purchase of recycling containers to be distributed to residences currently serviced by BFI under contract with the city. It is the intent of the city to purchase the initial containers for each residence referenced above and that replacement containers be provided by each residence. Residents may purchase additional containers which will be collected at the curb. The city, or its contractor, shall collect nothing other than paper, glass, plastics, and aluminum cans in the recycling containers, unless otherwise specified by contract approved by the city council. (1996 Code, § 8-603)

17-204. Contract for collection and materials to be recycled. The city manager is authorized to negotiate a contract for the collection of recyclable materials once each week at the curb of every residence, as specified in § 17-203, in Jefferson City. Materials to be placed in recycling containers for collection shall consist of the following: paper, glass, plastics, and aluminum. Other materials, for which markets may improve or develop, may be included by amendment of the contract between the city and the contractor. (1996 Code, § 8-604)

17-205. Purchase of recycling containers. For the purpose of purchasing recycling containers, the following budget amendments are hereby approved:

Account No.	Description	Debit	Credit
27100	Fund Balance	\$11,110	
43120-329 (1996) Code, § 8-605)	Other Oper. Supplies		\$11,110

17-206. Collection cost and compulsory service charge. Contract services for the collection of recyclable materials are estimated to cost \$22,200 annually. Jefferson City is empowered by Article II, Section 1., subsection (13) of the City Charter of Jefferson City to collect garbage, including recyclable materials, and to impose a compulsory service charge for such, and regulate the collection thereof. The Solid Waste Management Act of 1991, enacted by the Tennessee General Assembly also confers similar authority to city governments. A two dollar and twenty-two cents (\$2.22) per month compulsory recycling service charge is hereby imposed on every residential unit described in § 17-203. This service charge shall be collected on the monthly water/sewer billing statement. The first dollar collected shall be the compulsory recycling service charge, for collecting garbage which is recyclable, with the balance of the statement to be the user fee for water/sewer service. Water customers with bulk meters shall pay a one dollar (\$1) per month compulsory recycling service charge for each residential unit, described in § 17-203. A minimum charge shall be assessed for recycling collection to bulk meter customers, equal the number of household units served by the bulk meter, and shall be collected on the monthly water/sewer billing statement for the compulsory recycling service with the balance of the statement to be the user fee for water/sewer service. (1996 Code, § 8-606, as amended by Ord. #2008-20, Nov. 2008)

17-207. Orders to correct violations. It shall be the duty of the city manager, or his authorized representative, to issue orders requiring the proper handling of solid waste materials that are recyclable on public and private premises to owners, occupants, tenants, or lessees of such properties where violations are known to exist. Such orders shall require that all violations shall be corrected within the time specified by the city manager. (1996 Code, § 8-607)

17-208. Violations. Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice issued by the city manager, or his representative, shall be guilty of a misdemeanor and shall be subject to a penalty under the general penalty clause of the Jefferson City Municipal Code. (1996 Code, § 8-608)

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. WATER.
2. SEWERS.
3. SEWAGE DISPOSAL.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. FATS, OILS, AND GREASE DISPOSAL REGULATIONS.

CHAPTER 1**WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Tap fees.
- 18-107. Utilities extension policy.
- 18-108. Meter installation.
- 18-109. Meter tests.
- 18-110. Schedule of rates.
- 18-111. Multiple service.
- 18-112. Billing.
- 18-113. Discontinuance or refusal of service.
- 18-114. Service charges.
- 18-115. Termination of service by customer.
- 18-116. Access to customer's premises.
- 18-117. Inspections.
- 18-118. Customer's responsibility for system's property.
- 18-119. Customer's responsibility for violations.
- 18-120. Supply and resale of water.
- 18-121. Unauthorized use of or interference with water supply.
- 18-122. Limited use of unmetered private fire line.
- 18-123. Damages to property due to water pressure.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-124. Liability for cutoff failures.
- 18-125. Restricted use of water.
- 18-126. Interruption of service.
- 18-127. Fluoridation of water supply.
- 18-128. Adjustments outlined.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the City of Jefferson City and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. Nothing in these rules and regulations shall be construed as requiring the City of Jefferson City to make water and sewer extensions to furnish services to any person or persons. (1996 Code, § 13-101)

18-102. Definitions. (1) "Construction costs." This shall include the actual cost of construction including engineering, legal, administrative, and all other cost directly related to the utility extension project.

(2) "Customer." Any person, firm, or corporation who receives water service from the City of Jefferson City under either an express or implied contract.

(3) "Developed property." Developed property is property that is built on.

(4) "Developer." Any person, firm, or corporation engaged in the development or subdivision of land.

(5) "Discount date." The date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at the net rates.

(6) "Dwelling." Any single structure, with or without auxiliary buildings, occupied by one or more persons or households for residential purposes.

(7) "Premise." Any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(8) "Private fire line." A private fire line is a line on private property which is dedicated to the operation of a sprinkler system.

(9) "Service line." The pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(10) "Single family residence." A dwelling unit, or a lot, intended for occupancy by a single family.

(11) "Temporary service." Temporary service is water service provided by the city for a period of not more than ten (10) working days.

(12) "Undeveloped property." Undeveloped property is property that is not built on.

(13) "Utility extension." That part of the new system required to connect the existing system to a new development.

(14) "Trunk line." A utility extension outside the city limits of Jefferson City. (1996 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the public works department before connection or meter installation. In addition, a connect fee shall be required in the following amounts:

	<u>Inside</u>	<u>Outside</u>
Residential (owner occupied)	\$60	\$60
Rental property	\$60	\$120
Commercial	\$75	\$120
Industrial	\$150	\$300

Connection fees are not deposits and shall not be refunded to the customer upon discontinuance of service. (1996 Code, § 13-103, as amended by Ord. #2002-19, Dec. 2002, and Ord. #2006-12, June 2006, and replaced by Ord. #2021-16, Dec. 2021 *Ch15_12-06-21*)

18-104. Application and contract for service. Each perspective customer desiring water service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a connect fee, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any connect or tap fees to the applicant. (1996 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service inside the city shall pay to the city a connect and disconnect fee of thirty dollars (\$30.00). Customers requiring temporary service outside the city shall pay to the city a connect and disconnect fee of sixty dollars (\$60.00). (1996 Code, § 13-104, as amended by Ord. #2002-19, Dec. 2002, and Ord. #2006-12, June 2006, and replaced by Ord. #2021-16, Dec. 2021 *Ch15_12-06-21*)

18-106. Tap fees. 1. It shall be unlawful for any person, firm, partnership, or corporation to tap into any treated water line belonging to Jefferson City, lying inside or outside the city limits, without first paying the connect and tap fees.

2. Tap fees for tapping treated water lines inside the city shall be as follows:

<u>Size</u>	<u>Amount</u>
3/4"	\$1,100.00
1"	\$1,350.00
1 1/2"	\$2,350.00
2"	\$3,350.00
3"	\$4,850.00
4"	\$6,350.00
6"	\$9,350.00
Fire protection lines	\$850.00/inch diameter of tap

3. The tap fee for multi-family units up to and including, quadplexes shall be one thousand one hundred dollars (\$1,100.00) for the first unit and four hundred dollars (\$400.00) per unit for each additional unit. For purposes of this chapter a quadplex contains four units. The tap fee for multi-family units above four units shall be as follows:

(a) Bulk meters - fee based on meter size for first unit and four hundred dollars (\$400.00) per unit for each additional unit.

(b) Single meters - one thousand one hundred dollars (\$1,100.00) per unit and four hundred dollars (\$400.00) per unit for each additional unit.

(4) The tap fee for a mobile home shall be one thousand one hundred dollars (\$1,100.00) per unit and four hundred dollars (\$400.00) for each additional unit.

(5) The tap fee for condominiums shall be one thousand one hundred dollars (\$1,100.00) per unit and four hundred dollars (\$400.00) for each additional unit.

(6) The tap fee for a commercial or industrial establishment shall be the minimum tap fee based on meter size.

(7) Tap fees for all locations outside the city limits, where a tap is authorized by city ordinance, shall be one and one-half (1 1/2) times the tap fee established within the city limits. (1996 Code, § 13-106, as amended by Ord. #96-58, Dec. 1996, Ord. #2002-19, Dec. 2002, and Ord. #2006-12, June 2006, and replaced by Ord. #2021-16, Dec. 2021 *Ch15_12-06-21*)

18-107. Utilities extension policy. (1) The City of Jefferson City may extend water lines to developed areas, new subdivisions, and planned unit developments. Requested extensions over five hundred feet (500') or more that are not in developed areas, new subdivisions, planned unit developments and outside the corporate limits may be approved by city council.

Developed and undeveloped areas.

(a) For extensions of five hundred feet (500') or less, as feasibly determined by the city manager, and provided that budgeted funds are available.

(b) For extension of over five hundred feet (500') as feasibly determined by the city council, and provided that budgeted funds are available.

New subdivisions and planned unit developments.

When requested, and if funds are available, the city may extend a water line along an accepted street or right-of-way to the property line of an owner of land, within the corporate limits, on which there is a new subdivision or planned unit development which has been given preliminary approval by the Jefferson City Planning Commission. The city council shall determine the feasibility of extending a water line over five hundred feet (500') for new subdivisions and planned unit developments and shall not be obligated to approve the extension unless it determines that the extension is in the best interest of the city. Such extensions will not be made at the expense of the city after a one (1) year period beyond the date of final plat approval of the new subdivision or planned unit development.

Extensions for developments that are not in developed areas, subdivisions, planned unit developments or are outside the corporate limits.

Extensions exceeding five hundred feet (500') that are requested for developments that are not in developed areas, subdivisions, planned unit developments or are outside the corporate limits may be approved by city council, which shall determine the feasibility of such extensions, and may negotiate with the developer for payment of cost of the extensions.

(3) Developer's responsibility. The developer shall be responsible for and pay the cost of all water improvements on property that the developer owns or is developing. Prior to construction of utilities in the development, the developer shall deposit with the city recorder a bond or letter of credit in favor of the city, as required by the city's subdivision regulations.

(4) All plans, specifications, and contract documents shall be submitted to the public works director and to the Jefferson City Regional Planning Commission and must comply with all of the commission's rules and regulations as they apply to plat and plan approval.

(5) Bond or letter of credit. Prior to the construction of a utility extension by the city, the developer shall post a bond or letter of credit with the city recorder in an amount equal to the city's professional engineer or public

works director's estimate of cost for the extension, in favor of the city. Such bond or letter of credit is to remain in force until the extension project is completed.

(6) Acceptance by the city. The utility construction project undertaken by developers shall be deemed completed when the public works director certifies in writing that the work has been inspected by him or his representative and that the work has been completed satisfactorily. The developer shall provide the city with as built drawings.

(7) Easements. All utility extensions shall be constructed within a public right-of-way or in an easement which has been dedicated to the city. Utility construction by developers shall be constructed within a public right-of-way or in an easement which has been dedicated to the city. Easements shall be a minimum of ten feet (10') in width, and the city requires additional easement widths where unusual maintenance problems exist. Easements within a subdivision or planned unit development 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 city.

(8) Engineering. All utility extensions shall be designed by a registered professional engineer, except those specifically exempted by the Tennessee Department of Environment and Conservation, or other state agency regulating utilities, and the plans, when required, shall meet approval of the state agency regulating utilities. Such plans shall be submitted to the planning commission for approval in conjunction with the other plans that are required. Final plans shall be engineering design drawings on standard plan-profile sheets to a scale of not less than one inch equals one hundred feet (1" = 100') in plan and one inch equals ten feet (1" = 10') in profile. Contract documents and specifications shall be furnished in a form suitable for execution by the city.

(9) Inspection. The city's public works director, or his representative, shall inspect all construction. All water mains shall be pressure tested to their design capacity.

The public works director, or his representative, shall be permitted to visit the project, at any time, during construction to insure that work is being completed in accordance with plans and specifications set forth in contract documents.

After the project has passed the required testing and all work is completed, the engineer shall certify in writing to the public works director that all work is completed and ready for acceptance by the city's public works director.

(10) As built drawings. The developer shall provide the public works director one (1) set of as built drawings upon completion of the project.

(11) Service lines. The developer shall extend the service lines to the property line. The location shall be shown on the as built drawings. For a single-family dwelling lot, the minimum water service line shall be three fourths inch (3/4") in diameter. The size of larger service lines will be determined on the basis

of need. Service lines will remain the property of the city and will be maintained by the city.

(12) **Fire hydrants.** The developer shall install fire hydrants at locations determined by the fire chief. In no instance will fire hydrants be located more than one thousand feet (1,000') apart. (1996 Code, § 13-107, as amended by Ord. #2013-08, June 2013)

18-108. Meter installation. Meter tap fees shall be as provided in § 18-106. All meters shall be installed, tested, repaired, and removed only by the City of Jefferson City. No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the director of public works. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

A developer may not utilize one (1) water tap and meter to serve more than one (1) single-family residence. (1996 Code, § 13-108, as amended by Ord. #2013-08, June 2013)

18-109. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable. In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge of cost plus shipping. (1996 Code, § 13-109, as amended by Ord. #2002-19, Dec. 2002, Ord. #2006-12, June 2006, and Ord. #2013-08, June 2013, and replaced by Ord. #2021-16, Dec. 2021 *Ch15_12-06-21*)

18-110. Schedule of rates.
WATER *EFFECTIVE July 1, 2021*

<u>RESIDENTIAL & COMMERCIAL</u> (Monthly Usage)	<u>Inside City</u>	<u>Outside City</u>
First 2000 gallons (minimum bill)	\$13.88	\$36.26
All over 2000 gallons (per thousand)	\$3.94	\$11.55

BULK WATER SALES

Shady Grove Utility District:

- \$33,150.00 (thirty-three thousand one hundred fifty dollars) monthly for purchases of 0 - 15,000,000 (zero to fifteen million) gallons and \$2.21 (two dollars and twenty-one cents) per 1,000 (one thousand) gallons for monthly purchases in excess of 15,000,000 (fifteen million) gallons. This rate shall be effective for the period of September 1, 2022, to June 30, 2023, and shall first be reflected on the September 1, 2022, billing.
- \$36,750.00 (thirty-six thousand seven hundred fifty dollars) monthly for purchases of 0 - 15,000,000 (zero to fifteen million) gallons and \$2.45 (two dollars and forty-five cents) per 1,000 (one thousand) gallons for monthly purchases in excess of 15,000,000 (fifteen million) gallons. This rate shall be effective for the period of July 1, 2023, to December 31, 2023, and shall first be reflected on the July 1, 2023, billing.

New Market Utility District:

- \$22,100.00 (twenty-two thousand one hundred dollars) monthly for purchases of 0 - 10,000,000 (zero to ten million) gallons and \$2.21 (two dollars and twenty-one cents) per 1,000 (one thousand) gallons for monthly purchases in excess of 10,000,000 (ten million) gallons. This rate shall be effective for the period of September 1, 2022, to June 30, 2023, and shall first be reflected on the September 1, 2022, billing.
- \$24,500.00 (twenty-four thousand five hundred dollars) monthly for purchases of 0 - 10,000,000 (zero to ten million) gallons and \$2.45 (two dollars and fifty-five cents) per 1,000 (one thousand) gallons for monthly purchases in excess of 10,000,000 (ten million) gallons. This rate shall be effective for the period of July 1, 2023, to December 31, 2023, and shall first be reflected on the July 1, 2023, billing.
- \$40,350.00 (forty thousand three hundred fifty dollars) monthly for purchases of 0 - 15,000,000 (zero to fifteen million) gallons and \$2.69 (two dollars and sixty-nine cents) per 1,000 (one thousand) gallons for monthly purchases in excess of 15,000,000 (fifteen million) gallons. This rate shall be effective for the period of January 1, 2024, to June 30, 2025, and shall first be reflected on the January 1, 2024, billing.

Town of Dandridge Utility District:

- \$6,425.00 (six thousand four hundred twenty-five dollars) monthly for purchases of 0 - 2,500,000 (zero to two million five hundred thousand) gallons and \$2.57 (two dollars and fifty-seven cents) per 1,000 (one thousand) gallons for monthly

purchases in excess of 2,500,000 (two million five hundred thousand) gallons. This rate shall be effective for the period of September 1, 2022, to June 30, 2025, and shall first be reflected on the September 1, 2022, billing.

- \$26,900.00 (twenty-six thousand nine hundred dollars) monthly for purchases of 0 - 10,000,000 (zero to ten million) gallons and \$2.69 (two dollars and sixty-nine cents) per 1,000 (one thousand) gallons for monthly purchases in excess of 10,000,000 (ten million) gallons. This rate shall be effective for the period of January 1, 2024, to June 30, 2025, and shall first be reflected on the January 1, 2024, billing.

All applicable sales tax (state and local) will be added to water bills.

SEWER *EFFECTIVE JANUARY 1, 2022*

RESIDENTIAL & COMMERCIAL (Monthly Usage)	<u>Inside City</u>	<u>Outside City</u>
First 2,000 gallons (minimum bill)	\$16.87	\$48.59
All over 2,000 gallons (per thousand)	\$6.19	\$16.94

No sales tax added to sewer bill. (1996 Code, § 13-110, as replaced by Ord. #2021-16, Dec. 2021 *Ch15_12-06-21*, and amended by Ord. #2022-07, July 2022 *Ch16_12-05-22*, Ord. #2022-08, July 2022 *Ch16_12-05-22*, Ord. #2022-09, July 2022 *Ch16_12-05-22*, and Ord. #2022-15, Dec. 2022 *Ch16_12-05-22*)

18-111. Multiple service. Multiple service shall be as provided in § 18-106. (1996 Code, § 13-111)

18-112. Billing. ● Bills for water service will be rendered monthly.

- All bills must be paid on or before the penalty date which shall be the tenth day of the month; otherwise, the gross rate shall apply.

- The gross rate shall be the service charge plus ten (10) percent.

- Failure to receive a bill will not release a customer from payment obligation, nor extend the penalty date.

- In the event a bill is not paid on or before five (5) days after the penalty date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the penalty date. Failure to receive such written notice will not release the customer from the payment obligation, nor extend the service cut off date.

- The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

- Should the final date of payment of the bill at the net amount fall on Saturday, Sunday, or a legal holiday, the business day next following the

final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

- If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1996 Code, § 13-112)

18-113. Discontinuance or refusal of service. ● The city shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- These rules and regulations.
- The customer's application for service.
- The customer's contract for service.
- Service may also be refused or discontinued for the customer's failure to correct conditions in violation of city or state health laws or regulations. Specifically, if a customer is allowing raw sewage to overflow and fails to correct it, the city shall immediately discontinue water service until such time as the discharge is corrected.
- The city may also refuse new service connections, when in the opinion of the city manager or public works director, the connections cause water pressure to drop below 20 pounds per square inch or volume so low as to affect the pressure or volume of existing customers.
- Discontinuance of service by the city 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. (1996 Code, § 13-113)

18-114. Service charges. The following rates for service related to temporary water cut off or cut on, reconnecting, or relocating meter service are as follows:

- (1) Temporary water cut off or cut on at customers request, per trip for service inside the city limits is thirty dollars (\$30.00) and sixty dollars (\$60.00) outside the city limits.
- (2) For reconnecting water service after water service is discontinued for nonpayment of a water bill, fifty dollars (\$50.00) inside and outside city limits. Water cut off for nonpayment may not be turned back on until the following business day. When the work is performed at times other than normal working hours, the charge shall be sixty dollars (\$60.00) inside city limits and one hundred dollars (\$100,00) outside city limits.
- (3) For relocation of meter service from one address to another, inside or outside city limits is sixty dollars (\$60.00).

(4) State law prohibits city work crews from doing work on private property. Accordingly, the city shall not locate underground water leaks on customers property. (1996 Code, § 13-114, as amended by Ord. #2002-19, Dec. 2002, and Ord. #2006-12, June 2006, and replaced by Ord. #2021-16, Dec. 2021 *Ch15_12-06-21*)

18-115. Termination of service by customer. • Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

- When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

- Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

- During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1996 Code, § 13-115)

18-116. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1996 Code, § 13-116)

18-117. Inspections. • The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

- Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1996 Code, § 13-117)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1996 Code, § 13-118)

18-119. Customer's responsibility for violations. Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1996 Code, § 13-119)

18-120. Supply and resale of water. All water shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city. (1996 Code, § 13-120)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1996 Code, § 13-121)

18-122. Limited use of unmetered private fire line. • Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

- All private fire lines shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1996 Code, § 13-122)

18-123. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing, pumps, water filters, purification units, water softeners, water heaters, washing machines,

dish washers, or other property by high pressure, low pressure, or fluctuations in pressure in the city's water mains, or by interruption of service. (1996 Code, § 13-123)

18-124. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1996 Code, § 13-124)

18-125. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1996 Code, § 13-125)

18-126. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1996 Code, § 13-126)

18-127. Fluoridation of water supply. The water department of Jefferson City, Tennessee, is authorized and directed to make plans for the fluoridation of the water supply of the city, to submit such plans to the Department of Conservation and Environment, or other state agency regulating utilities, for approval, and upon approval to add such chemicals as fluoride to

the water supply, in accordance with such state approval, as will adequately provide for the fluoridation of the water supply. (1996 Code, § 13-127)

18-128. Adjustments outlined. Adjustments for bill problems created by leaks on the customer's side of the water meter, where repairs are required, may be made in accordance with the following rules:

- The leak must be double the average usage of the customer or no adjustment will be made.

- No adjustment will be made unless the customer presents a paid statement from a plumber showing the repair work has been performed, and the water department verifies that no leak exists after the repair has been made, or a store ticket for materials bought to repair the leak by the customer.

- Adjustments, when warranted, may be made for one month's bill only. The adjustment will be based on the average usage for the previous six months.

- One adjustment will be made per customer during any twelve month period.

- Adjustment may not be made for water hydrants that are left turned on.

- The city manager, or staff authorized by him, is authorized to make adjustments in accordance with these rules. (1996 Code, § 13-128)

- No adjustments shall be made to higher than normal water bill charges that are the result of the customer filling a swimming pool, spa, hot tub or other high volume container. (1996 Code, § 13-128, as amended by Ord. #2005-13, Oct. 2005)

CHAPTER 2

SEWERS

SECTION

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Tap fees.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Sewer maintenance.
- 18-207. Utilities extension policy.
- 18-208. Sewer flow measuring devices.
- 18-209. Garbage collection and sewer charges for houses under construction.

18-201. Use of system regulated. All persons using, desiring, or requiring to use the public sanitary sewer system of Jefferson City shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by state law and by the director of public works, when such rules and regulations have been approved by the city council. All residences, businesses, and industry located within the city limits of Jefferson City, and requiring sewer disposal, shall connect to public sanitary sewer, in accordance with these rules and state law, when such public sanitary sewer is available. (1996 Code, § 13-201)

18-202. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system without a permit issued by the city. All connections to the system must be made under the supervision of the department of public works. A sewer connection fee, as established by ordinance, shall be required for every water meter, where the customer has sewer service available. (1996 Code, § 13-202)

18-203. Tap fees. ● It shall be unlawful for any person, firm, partnership, or corporation to tap or connect into any sanitary sewer line belonging to Jefferson City without first paying the fees herein provided for.

● The tap fee for tapping or connecting to sanitary sewer service shall be equal to the tap fee for tapping a treated water line as set forth in § 18-106. (1996 Code, § 13-203)

18-204. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted, the city shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the city and the property owner to the contrary. All necessary installations within

the property lines shall be made by the owner. (1996 Code, § 13-204, as amended by Ord. #96-58, Dec. 1996)

18-205. Sewer service charges. Bills for sanitary sewer service will be rendered monthly. Rates shall be established by ordinance.¹

All bills must be paid on or before the penalty date which shall be the tenth day of the month; otherwise, the gross rate shall apply.

The gross rate shall be the service charge plus ten (10) percent.

Failure to receive a bill will not release a customer from payment obligation, nor extend the penalty date.

In the event a bill is not paid on or before five (5) days after the penalty date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the penalty date. Failure to receive such written notice will not release the customer from the payment obligation, nor extend the service cut off date.

The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of the bill at the net amount fall on Saturday, Sunday, or a legal holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

All water and sewer service charges shall be collected as a unit. No municipal employee shall accept payment of water or sewer service charges from any customer without receiving at the same time the charges for both. (1996 Code, § 13-205)

18-206. Sewer maintenance. The City of Jefferson City has no responsibility for maintenance of sewer lines on private property. Its employees are prohibited from working on private sewer lines for the purpose of repairing leaks, unstopping blockages, etc. The city shall not pay a property owner nor a private plumber for unstopping blockages that may be found in a city sewer line. If in the process of unstopping a blockage in a private sewer line, the property owner or plumber finds, or has reason to believe, that there is a blockage in the

¹Ordinances establishing sewer service rates are of record in the office of the recorder.

city sewer line, they are obligated to report the blockage to the city, and city work forces will unstop the blockage or make any other necessary repairs to the city sewer line.

Back flow prevention valves are required on all new sanitary sewer installations. Back flow prevention valves are designed to prevent excessive accumulation of sewerage in the event that either a private sewer line or the city sewer line becomes blocked. The city strongly encourages every sewer customer to install a back flow prevention valve as the best protection against accumulation of sewerage in the event of a blockage. The City of Jefferson City shall not be liable for accumulation of sewerage in residences, businesses, or industrial customers, unless it can be clearly shown that the blockage was due to the city's negligence. (1996 Code, § 13-206)

18-207. Utilities extension policy. The policy set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that the city shall not be obligated to install at its expense any sewer extension in which sewerage will not naturally drain into the existing system. (1996 Code, § 13-207)

18-208. Sewer flow measuring devices. The City of Jefferson City may install sewer flow measuring devices at industrial locations at any time to measure the flow of sewerage collected by the city's sewer line. If the device shows that more than sewerage is collected than water was sold to the customer, the city may base its sewer charge on the sewer device reading. (1996 Code, § 13-208)

18-209. Garbage collection and sewer charges for houses under construction. The City of Jefferson City will not charge for garbage collection and sewer service for units under construction, even if the unit is receiving and paying for water service, until such time as a certificate of occupancy is obtained from the office of the building inspector. (as added by Ord. #2003-14, Nov. 2003)¹

¹Ord. #2003-14 provides the effective date of this section shall be "December 1, 2003."

CHAPTER 3

SEWAGE DISPOSAL

SECTION

18-301. Definitions.

18-302. Use of public sewers required generally.

18-303. Private sewage disposal restrictions.

18-304. Use of public sewers regulated.

18-305. Unlawful to damage sewage works.

18-306. Powers and authority of inspectors.

18-307. Violations.

18-301. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

- "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

- "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

- "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

- "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

- "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

- "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

- "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

- "Person" shall mean any individual, firm, company, association, society, corporation, or group.

- "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that 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 inch (1.27 centimeters) in any dimension.

- "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- "Sewage" shall mean 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.
- "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.
- "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- "Sewer" shall mean a pipe or conduit for carrying sewage.
- "Shall" is mandatory; "may" is permissive.
- "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- "Superintendent" shall mean the superintendent of sewage works and water pollution control of the City of Jefferson City, or his authorized deputy, agent, or representative.
- "Suspended solids" shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1996 Code, § 8-201)

18-302. Use of public sewers required generally. ● It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Jefferson City, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

- It shall be unlawful to discharge to any natural outlet within the City of Jefferson City, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

- 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.

- The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city

and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to do so, provided that the public sewer is within one hundred (100) feet of the property line. (1996 Code, § 8-202)

18-303. Private sewage disposal restrictions. • Where a public sanitary or combined sewer is not available under the provisions of § 18-302(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

- Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form, furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of \$2.00 shall be paid to the city at the time the application is filed.

- A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent.

- The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Tennessee. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 2500 square feet (square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 18-303(4), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

- The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner, at all times, at no expense to the city.

- No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

- When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage

disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (1996 Code, § 8-203)

18-304. Use of public sewers regulated. • No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

- Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.

- No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) mg/l as C in the wastes as discharged to the public sewer.

- Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

- Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- Any liquid or vapor having a temperature higher than one hundred fifty (150)F (65C).
- Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32)0 and one hundred fifty (150)0F (0 and 65C).
- 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 greater shall be subject to the review and approval of the superintendent.
- Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- Any waters or wastes having a pH in excess of (9.5).
- Materials which exert or cause:
 - Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, Lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the

sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsection, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- Reject the wastes.
- Require pretreatment to an acceptable condition for discharge to the public sewers.

- Require control over the quantities and rates of discharge, and/or

- Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) in this section. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

- Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. Such interceptors shall be of a type and capacity approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

- Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- 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.

- All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, It published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to

be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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-hr composites of all outfalls whereas pH's are determined from periodic grab samples.)

- No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern. (1996 Code, § 8-205)

18-305. Unlawful to damage sewage works. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1996 Code, § 8-206)

18-306. Powers and authority of inspectors. ● The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- While performing the necessary work on private properties referred to in the preceding subsection, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city 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 condition as required in § 18-304(8).

- The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement,

sampling, repair, and maintenance of any portion of the sewage works lying with said easement. All entries 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.

- It is accepted practice to call for three classes of permits:
 - For the installation of private sewage disposal facilities.
 - For residential and commercial building sewers.
 - For industrial sewer connections. (1996 Code, § 8-207)

18-307. Violations. ● Any person found to be violating any provision of this chapter except § 18-305 shall be served by the city 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.

- Any person who shall violate § 18-305 or who shall continue any other violation beyond the time limit provided for in the notice required above shall be guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties provided for in the general penalty clause for this code of ordinances.

- Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (1996 Code, § 8-208)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Water supply to comply with law, establish program.
- 18-403. Cross connections, etc., unlawful; exception.
- 18-404. Statements required of certain persons.
- 18-405. Inspections.
- 18-406. Right of entry; furnishing of information.
- 18-407. Time for compliance; failure to comply.
- 18-408. Protective devices.
- 18-409. Warning signs.
- 18-410. Reduced pressure backflow prevention devices installation criteria.
- 18-411. Application and enforcement of chapter.

18-401. 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 City of Jefferson City for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

¹Municipal code reference

Plumbing and related codes: title 12.

organized or existing under the laws of this or any other state or country. (1996 Code, § 8-301)

18-402. Water supply to comply with law, establish program. The Jefferson City public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1996 Code, § 8-302, modified)

18-403. Cross-connections, etc., unlawful; exception. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of Water and Wastewater of the City of Jefferson City or his representative. (1996 Code, § 8-303)

18-404. Statements required of certain persons. 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 water and wastewater 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. (1996 Code, § 8-304)

18-405. Inspections. It shall be the duty of the Jefferson City public water supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent of water and wastewater of the Jefferson City public water supply and as approved by the Tennessee Department of Health. (1996 Code, § 8-305, as amended by Ord. #2010-01, March 2010)

18-406. Right of entry; furnishing of information. The superintendent of water and wastewater or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Jefferson City 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. (1996 Code, § 8-306)

18-407. Time for compliance; failure to comply. 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 water and wastewater of the Jefferson City public water supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Jefferson City public water supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and 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 manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1996 Code, § 8-307)

18-408. Protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed

- (1) impractical to provide an effective air-gap separation,
- (2) that the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply,
- (3) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing,
- (4) there is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of water and wastewater of the Jefferson City water supply or his designated representative, shall require the

use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of water and wastewater of the Jefferson City water supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Jefferson City 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 water and wastewater 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 water and wastewater shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of water and wastewater of the Jefferson City water supply.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering 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 Jefferson City public water supply. (1996 Code, § 8-308)

18-409. Warning signs. 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. (1996 Code, § 8-309)

18-410. Reduced pressure backflow prevention devices installation criteria. (1) (a) General. All backflow prevention devices will be inspected to verify that the units meet the following requirements and tested to verify that the installed units meet the performance requirements as set forth in the 9th edition of the Manual for Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research – University of Southern California (FCCCHR, 1993) before they will be accepted by Jefferson City Water Supply. It is encouraged that a water system representative be asked to visit the site to review details of the proposed installation prior to work.

(b) Requirements. (i) Specifications and detailed drawings shall be submitted to and approved by Jefferson City Water Supply prior to the installation of any device.

(ii) All devices shall be installed pursuant to Jefferson City Municipal Code title 18, chapter 4 and the Tennessee Department of Environment and Conservation, Division of Drinking Water Supply, Cross-Connection Control Manual rules and regulations.

(iii) All devices shall be installed in accordance with the manufacturer's installation instructions, and shall possess all test cocks and fittings required for testing the device. The University of Southern California and Jefferson City Water Supply specifications can supercede the manufacturer's installation instructions. All fittings shall permit direct connection to Jefferson City Water Supply test devices.

(iv) Brass test fittings need to be installed in test cocks.
Brass fittings required for backflow preventers:

3/4" – 2 1/2"	needs 1/4" male x 1/4" flare with end caps
3"	needs 1/2" male x 1/4" flare with end caps
4" x 10"	needs 3/4" x 1/2" x 1/4" male x 1/4" flare with end caps

(These fittings should be installed with Teflon tape, not plumber's cement.)

Contact JCPW at 865-475-6617 when devices have been repaired or installed.

(v) The entire device, including test cocks and valves, shall be easily accessible for testing and repairs.

(vi) The pipeline must be thoroughly flushed to remove foreign material and debris before installing the device.

(vii) Duplicate units, installed in parallel, shall be provided in cases where the water supply cannot be interrupted for routine testing and maintenance of a single-unit installation.

(viii) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the relief port above the floor surface or flood plain. Maximum height above the floor surface shall not exceed sixty inches (60").

(ix) Clearance of device from wall surfaces or other obstructions shall be a minimum of six inches (6") on the back side and a minimum of twenty-four inches (24") on the front side.

(x) Adequate floor drainage should be provided for the room in which the device is located to handle any overflow from the relief valve discharge or any spillage from testing or repairing of the device.

(xi) The device must be adequately supported to prevent the device from sagging. Special supports are needed for four inch (4") to ten inch (10") units.

(xii) The device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive, or other damaging environment.

(xiii) The test cocks, valve stems, or nameplate should not be painted and their accessibility, operation or legibility shall not be hampered nor the relief valve discharge passage be restricted by insulation or other coverings.

(xiv) The device shall be positioned where discharge from relief port will not create undesirable conditions. A rigidly secured, approved air-gap shall separate the relief port from any drainage system and be used to direct discharges away from the unit. The relief valve must never be plugged, restricted or solidly piped to a drain, ditch, or pump.

(xv) It is recommended that an approved strainer, fitted with a test cock, be installed immediately upstream of the backflow device or shut-off valve. Strainers should never be installed on fire service lines.

(xvi) Reduced pressure backflow prevention assemblies shall not be installed in confined space areas (pits) as defined by OSHA regulations (29 CFR 19 10.146).

(xvii) The device shall be located in an area free from submergence or flood potential.

(xviii) When a reduced pressure backflow prevention assembly is installed, a closed system is created. Prior to installation, insure that the temperature/pressure-relief valves on heating vessels are properly installed and are in good working condition.

(xix) Only devices approved by the Tennessee Department of Environment and Conservation may be used for protection against backflow hazards. All devices will be tested annually.

(2) Facilities required to have reduced pressure backflow preventers.

The following type facilities will be equipped with reduced pressure backflow preventers in the service line before any branches. All devices shall be installed in accordance with the installation criteria supplied by Jefferson City Water Supply. Any variations of these guidelines must have prior approval from Jefferson City Water Supply. All testing of the backflow devices will be made by Jefferson City Water Supply personnel. Test will be made at the time of installation, at the time of any repairing or relocation, and at the completion of each year of service.

- (a) Agricultural processing facilities;
- (b) Aircraft storage and maintenance facilities;
- (c) Automotive and automotive related facilities;
- (d) Autopsy facilities;
- (e) Barber shops;
- (f) Beauty schools and colleges;
- (g) Beauty shops;
- (h) Bottling plants;
- (i) Car washes;
- (j) Dental buildings;
- (k) Distributors and users of fertilizers, pesticides and herbicides;
- (l) Dry cleaners;
- (m) Facilities with auxiliary water sources;
- (n) Facilities with water using equipment;
- (o) Film processing facilities;
- (p) Food and beverage processing;
- (q) Funeral homes and mortuaries;
- (r) Green houses and nurseries;
- (s) Health club facilities;
- (t) Hospitals (human and animal);
- (u) Hotels and motels;
- (v) Industrial facilities;
- (w) Laboratories;
- (x) Laundries;

- (y) Machine shops;
- (z) Manufacturing plants;
- (aa) Medical buildings;
- (bb) Morgues;
- (cc) Multi-story buildings, four (4) stories or higher;
- (dd) Nursing homes;
- (ee) Oil or gas production, storage or transmission facilities;
- (ff) Waste processing and transporting facilities;
- (gg) Printing company;
- (hh) Public swimming pools, ponds and fountains;
- (ii) Railroad terminal;
- (jj) Restaurants;
- (kk) Restricted establishments;
- (ll) Sand, gravel and concrete plants;
- (mm) Schools and colleges;
- (nn) Service stations;
- (oo) Sewage treatment, water treatment and pumping facilities;
- (pp) Shopping centers (occupancy unknown);
- (qq) Travel trailer park;
- (rr) Wastewater treatment plants and pumping facilities;
- (ss) Water treatment plants;
- (tt) Water using recreational facilities (pools, water slides, etc.);
- (uu) Irrigation systems.

(3) Double check valve and double check detector assemblies installation criteria. (a) General. All backflow prevention devices will be inspected to verify that units meet the following requirements and tested to verify that the installed units meet the performance requirements as set forth in the 9th edition of the Manual for Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research – University of Southern California (FCCCHR, 1993) before they will be accepted by Jefferson City Water Supply. It is encouraged that a water system representative be asked to visit the site to review details of the proposed installation prior to work.

(b) Requirements. (i) Specifications and detailed drawings shall be submitted to and approved by Jefferson City Water Supply prior to the installation of any device.

(ii) All devices shall be installed pursuant to Jefferson City Municipal Code title 18, chapter 4 and the Tennessee Department of Environment and Conservation, Division of Drinking Water Supply, Cross-Connection Control Manual rules and regulations.

(iii) All devices shall be installed in accordance with the manufacturer's installation instructions, and shall possess all test

cocks and fittings required for testing the device. The University of Southern California and Jefferson City Water Supply specifications can supercede the manufacturer's installation instructions. All fittings shall permit direct connection to Jefferson City Water Supply test devices.

- (iv) Brass test fittings need to be installed in test cocks.
Brass fittings required for backflow preventers.
3/4" – 2 1/2" needs 1/4" male x 1/4" flare with end caps
3" needs 1/2" male x 1/4" flare with end caps
4" x 10" needs 3/4" x 1/2" x 1/4" male x 1/4" flare with end caps

(These fittings should be installed with Teflon tape, not plumber's cement)

Contact JCPW at 865-475-6617 when devices have been repaired or installed.

(v) The entire device, including test cocks and valves, shall be easily accessible for testing and repairs.

(vi) The pipeline shall be thoroughly flushed to remove foreign material and debris before installing the device.

(vii) The device shall be installed prior to any branching and/or fire connections (siamese).

(viii) The device shall be located a minimum of twelve inches (12") above the floor surface or flood plain. Maximum height above the floor surface shall not exceed sixty inches (60").

(ix) Clearance of device from wall surfaces or other obstructions shall be a minimum of six inches (6") on the back side and a minimum of twenty-four inches (24") on the front side.

(x) Adequate floor drainage should be provided for the room in which the device is located to handle any spillage from testing or repairing of the device.

(xi) The device must be adequately supported to prevent the device from sagging. Special supports are needed for four inch (4") to ten inch (10") units.

(xii) The device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive, or other damaging environment.

(xiii) The test cocks, valve stems, or nameplate should not be painted and their accessibility, operation or legibility shall not be hampered nor the relief valve discharge passage be restricted by insulation or other coverings.

(xiv) The by-pass meter on the double check detector assembly shall be supplied and installed by the owner, meter to

read in gallons. The by-pass line on the assembly shall include a double check valve and shall be fitted to accept a five-eighths inch by three-fourths inch (5/8" x 3/4") water meter with male couplings on both ends and a laying length of seven and one-half inches (7 1/2").

(xv) It is recommended that an approved strainer, fitted with a test cock, be installed immediately upstream of the backflow device or shut-off valve. Strainers should never be installed on fire service lines.

(xvi) A gravity drainage system is required on all installations. On certain slopes, where below ground installations are installed, a single or multiple gravity drain system must be used.

(xvii) Jefferson City Water Supply has adopted the American Water Works Association classification scheme (Manual M-14) for backflow protection on fire prevention systems. This scheme classifies fire systems into six (6) classes based on water source and arrangement of supplies. The type of backflow protection necessary for the premises is determined by the classification of the fire system. Minimum acceptable backflow protection on fire systems in the City of Jefferson City is a double check detector assembly.

(xviii) When a double check valve assembly and double check detector assembly are installed, a closed system is created. Prior to installation, insure that the temperature/pressure-relief valves on heating vessels are properly installed and are in good working condition.

(xix) Only devices approved by the Tennessee Department of Environment and Conservation may be used for protection against backflow hazards. All devices will be tested annually and test reports must be submitted within ten (10) days after testing to JCWD. (as added by Ord. #2010-01, March 2010)

18-411. Application and enforcement of chapter. The requirements contained herein shall apply to all premises served by the Jefferson City public water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Jefferson City corporate limits. (1996 Code, § 8-310, as renumbered by Ord. #2010-10, March 2010)

CHAPTER 5

FATS, OILS, AND GREASE DISPOSAL REGULATIONS

SECTION

18-501. Definitions.

18-502. Fats, oils and grease control - general criteria.

18-503. Fats, oils and grease control - design criteria.

18-504. Fats, oils and grease control - grease interceptor/trap maintenance.

18-505. Fats, oils and grease control - administrative requirements.

18-506. Fats, oils and grease control - enforcement.

18-501. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Black water." Wastewater from sanitary fixtures such as toilets and urinals.

(2) "BOD." Refers to the "Biochemical Oxygen Demand" which is an indirect measure of the organic matter present in the wastewater and its demand for oxygen.

(3) "Bulk service kitchen." An establishment, which prepares bulk quantities of food, such as hospitals, schools; or caterers.

(4) "Customer." A user of the sanitary sewer system who produces waste from their process operations; the customer is responsible for assuring that the produced waste is disposed of in accordance with all federal, state and local disposal regulations.

(5) "Discharge limit." This refers to the JCSCD effluent discharge limit for grease interceptors/traps in accordance with the JCSCD's Sanitary Sewer Ordinance. The oil and grease discharge limit is 100mg/L.

(6) "Food courts." Areas predominately found in shopping centers or amusement parks and festivals where several food preparation establishments having different owners may be sharing seating space and/or plumbing establishments.

(7) "Food Service Establishment (FSE)." Any establishment, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food related wastes.

(8) "Garbage grinder." A device, which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

(9) "Gray water." Refers to all wastewater other than "black water" as defined in this section.

(10) "Grease." A material composed primarily of fats, oils, and greases from animal or vegetable sources; the terms fats, oils and greases shall be deemed as grease by definition (grease does not include petroleum-based products GRAM).

(11) "Grease trap." A large tank or device so constructed as to separate and trap or hold fats, oil and grease substances from the sewage discharged from an establishment in order to keep fats, oil and grease substances from entering the sanitary sewer collection system; grease traps are located outside of food service establishments.

(12) "Grease interceptors." The device that is utilized to effect the separation of fats, greases and oils in wastewater effluents from kitchen sinks and dishwashers; such traps are "under-the-counter" package units that require a minimal amount of space for installation.

(13) "Hauler." One who transfers waste from the site of a customer to an approved site for disposal or treatment; the hauler is responsible for assuring that all federal, state and local regulations are followed regarding waste transport.

(14) "JCSCD." Jefferson City Sewer Collection Department.

(15) "Lift stations." A well or below ground tank that contains a pump, floats and/or digital sensors to measure the amount of wastewater in the tank. The tank collects wastewater from gravity fed sewer lines then pumps the waste to a force main that discharges to a wastewater treatment plant. The term pump station also refers to a lift station.

(16) "NPDES." Stands for National Pollution Discharge Elimination System under which the JCSCD's wastewater treatment plants are permitted.

(17) "pH." The measure of the hydrogen ion concentration of water is determined by means of chemical testing; the result is expressed as a pH value with a range of 1-14; values lower than seven (7) indicate the water is acidic; values around seven (7) indicate the water is neutral and values higher than seven (7) indicate the water is basic.

(18) "POTW," Stands for Publicly-Owned Treatment Works or "treatment works" as defined by Section 212 of the Clean Water Act (33 U.S.C. § 1292), which is owned or operated in this instance by the JCSCD, this definition includes any sewers that convey wastewater to JCSCD's sewage treatment plants.

(19) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, in lieu of, introducing such pollutants into the POTW; this reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(20) "Sewage." The liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial establishments and institutions, whether treated or untreated; the terms "waste" and "wastewater" shall be deemed as sewage by definition.

(21) "Sewer lateral." Sewer line or lines maintained and controlled by private persons for the purpose of conveying sewage from the waste producing location to the public sanitary sewer collection system.

(22) "Single service restaurant." A restaurant where the meals are served on disposable plates and utensils.

(23) "Standard restaurant." A restaurant where meals are served on plates and utensils, which are washed and reused.

(24) "Waste." The liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial establishments, and institutions, whether treated or untreated; wastes may include but not be limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease-containing materials may exist. The terms "sewage" and "wastewater" shall be deemed as waste by definition.

(25) "25% rule." If twenty-five percent (25%) of interceptor capacity is taken up by FOG and solids, then the interceptor needs pumping; example: Interceptor depth is 48" and has 6" of FOG and 6" of settled solids, then 25% capacity is met. (as added by Ord. #2008-10, Aug. 2008)

18-502. General criteria. All new food service establishments inside the JCSCD wastewater service area are expected to conduct their operations in such a manner that grease is captured on the user's premises and properly disposed. Existing food service establishments will be given sixty (60) days after receiving notification to install an approved grease interceptor.

JCSCD will periodically inspect each food service establishment on an as-needed basis to ensure that each establishment is complying with the intent of the FOG Program. Grease interceptors/traps must be certified by JCSCD annually.

Thorough preventive maintenance records or emergency calls related to grease, JCSCD will identify and target "grease problem areas" in the wastewater collection system. Food service establishments, located upstream of these problem areas who discharge their wastewater into the "problem" lines, will be identified as potential contributors to the grease build-up.

Each food service establishment in the vicinity of the "problem area" will be inspected. The establishments' grease control practices and the adequacy of their grease interceptor/trap will be assessed. Maintenance records, sizing, and conditions will be reviewed.

Following the inspections, JCSCD will send written notice to the inspected food service establishments containing an educational brochure on grease in the sewer system, a summary of the policy requirements, and the results of the inspection. The inspections will typically result in one of the following actions:

Establishments equipped with an appropriate and adequately-sized grease interceptor/trap who are meeting the intent of the FOG program through effective grease control practices will be commended for their compliance.

Establishments may be required to develop and submit to JCSCD a proposed plan designed to achieve compliance through improved housekeeping and increased maintenance and pumping on the existing grease interceptor/trap.

Establishments that are unsuccessful in achieving compliance with the intent of the FOG program through improved housekeeping and increased maintenance and pumping on the existing grease interceptor/equipment will be required to upgrade the necessary interceptor(s) to bring the establishment into compliance within sixty (60) days. If the customer requires more than the allotted time, a request for an extension must be made in writing at least ten (10) days prior to compliance deadline.

Food service establishments shall train their employees on proper grease disposal practices and maintain documentation that each employee has received such training. Black water shall not be discharged into the grease interceptor. According to Article 206.3.b of the Sanitary Sewer Use Ordinance for the City of Jefferson City, a user may not contribute the following substances to any sewage works:

206.3.b Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sewage treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension.

All floor drains in the kitchen and food storage areas must go through the grease interceptor. Additionally, all floor drains must have screens to prevent solid items from entering the sewer line.

JCSCD recommends that solid food waste products be disposed of through normal solid waste/garbage disposal procedures. The use of garbage grinders, which discharge into the sanitary sewer, is discouraged within the JCSCD wastewater service area. In the event that a device is used in a commercial or industrial establishment, it must be connected to the grease interceptor. The use of a garbage grinder decreases the operational capacity of the grease interceptor and will require an increased pumping frequency to ensure continuous and effective operation. No paper, plastic or cloth material may be disposed of in a garbage grinder or kitchen drain.

Commercial dishwasher connections must be connected to the grease control device. Dishwashers discharge hot water and soap, which can melt grease stored in an overburdened interceptor. Melted grease may then pass through the interceptor into the customer's service line and the public sewer system, where the grease hardens and causes line clogs. Dishwasher temperatures should be regulated as such to maintain adequate trap effluent temperature. Trap effluent temperature should be no greater than eighty degrees (80°) Fahrenheit.

All sinks, dishwashers, soda machines and garbage disposal drains must also go through the grease control device. All fixtures may remain connected to a grease control device, except fixtures which may discharge black water.

Each grease control device shall be installed and connected so that it is easily accessible for inspection, cleaning and removal of the intercepted grease at any time. A grease trap may not be installed in any part of a building unless approved in writing by JCSCD.

Location of grease interceptors shall meet the approval of JCSCD. The best location of an interceptor is in an area outside of an outside wall, but upstream from the black water drain line(s). (as added by Ord. #2008-10, Aug. 2008)

18-503. Design criteria. Grease interceptors shall be constructed in accordance with JCSCD's standards and shall have a minimum of two (2) compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of JCSCD. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. JCSCD's standard drawing for grease interceptors is shown in Appendix A.

Access to grease interceptors/traps shall be available at all times, to allow for their maintenance and inspection. Access to grease interceptors shall be provided by two (2) manholes terminating one (1) inch above finished grade with cast iron frame and cover, constructed so that all surface runoff of rain water or storm water is prevented from entering the trap or sanitary sewer system.

Interceptor discharges shall not exceed 100/mg/L of oil and grease. In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity (example: vehicular traffic in parking or driving areas).

Wastewater discharging to a grease interceptor shall enter only through the inlet pipe of the interceptor. Each grease interceptor shall have only one (1) inlet and one (1) outlet pipe.

The **minimum** capacity of a grease trap shall be one thousand (1,000) gallons. Each establishment may install a larger capacity trap not to exceed three thousand (3,000) gallons per interceptor, or interceptors may be installed in series if needed to meet the discharge requirements of 100 mg/L of oil and grease. In order to approximate the capacity required to meet the discharge requirement, establishments can use EPA sizing formula. Grease traps will have a capacity of not less than one thousand (1,000) gallons nor exceed a capacity of three thousand (3,000) gallons. If the calculated capacity using the EPA sizing formula exceeds three thousand (3,000) gallons, multiple units in series may be installed. See Appendix B for example of formula.

Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and shall pay the costs to provide additional

measures if required by JCSCD. JCSCD reserves the right to evaluate interceptor sizing on an individual basis for establishments with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula.

Any changes or upgrades to an existing or new food service establishment, which, directly or indirectly, affect grease discharge to the JCSCD collection system must be reported to JCSCD. (as added by Ord. #2008-10, Aug. 2008)

18-504. Grease interceptor/trap maintenance. The user, at the user's expense; shall properly operate and maintain all grease interceptors/traps. Maintenance of grease interceptors/traps shall include the complete removal of all contents, including floating materials, wastewater and bottom sludge and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor/trap, for the purpose of reducing the volume to be disposed, is prohibited. No de-watering or surface skimming trucks are allowed to service grease interceptors. No steam cleaners or pressure washers may be used until the tank is pumped dry and then they may be used to clean the tank walls. It is the responsibility of each establishment to ensure proper pumping, maintenance and record keeping.

"Under the sink" grease interceptors must be cleaned no less than weekly. If grease traps are more than fifty percent (50%) full when cleaned weekly, the frequency shall be increased. Grease interceptors must be pumped out completely a minimum of once every three (3) months or more frequently as needed to prevent carryover of grease into the sanitary sewer collection system, unless it can be demonstrated to JCSCD that the pumping frequency can be extended past the three (3) month period.

All waste removed from each grease interceptor/trap must be disposed of at an establishment approved by JCSCD to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system.

The JCSCD prohibits the introduction of chemicals, degreasers, acidic or caustic substances or any drain line additives that emulsify or otherwise temporarily dissolve fats, oils and grease to the extent it later solidifies in the JCSCD's sewer lines, pump stations or treatment plants. The following types of substances are prohibited from being used in floor drains, sinks or any other collection line that discharges to the grease interceptor:

Enzymes, spore-forming bacteria, chlorine bleach, emulsifiers, surfactants (soaps), industrial strength degreasers, acidic chemicals or cleaners, caustic chemicals or cleaners, solvents, citrus oils/cleaners for odors, sodium nitrate and/or substances with high flammability.

Chemical treatments such as drain cleaners, acid and other chemicals designed to dissolve or remove grease shall not be allowed to enter the grease interceptor.

All pumpage from grease interceptors must be tracked by a manifest, which confirms pumping, hauling and disposal of waste. The customer must obtain a copy of the original manifest from the hauler. The original manifest with original signatures must be left at the disposal establishment. A copy of the manifest must be provided to the JCSCD within seven (7) days of pumping. The customer is required to utilize only JCSCD permitted haulers for the disposal of grease.

A grease tank cleaning record/maintenance record indicating each pumping for the previous twenty-four (24) months shall be maintained by each food service establishment. This record shall include the date, time, amount pumped, hauler and disposal site and shall be kept in a conspicuous location for inspection. Said record shall be made immediately available to the JCSCD representative upon request. (as added by Ord. #2008-10, Aug. 2008)

18-505. Administrative requirements. Upon inspection of each food service establishment, JCSCD's inspector shall collect the necessary FOG data to facilitate the population of JCSCD's Grease Control Program database. The database will be updated with additional or modified information after each inspection.

An administrative fee for establishments with grease discharges shall be set by JCSCD. The fee shall be established to insure full cost recovery and shall include but not be limited to the cost of field, administrative, engineering, clerical, testing, permit origination and processing expenses involved. The fees shall not be less than two hundred dollars (\$200.00) per year for each establishment. The annual administrative fee shall be applied to the customer's July water and sewer service bill.

All new and existing food service establishments discharging fats, oils and greases into the sanitary sewage system shall be issued an oil and grease interceptor/trap discharge permit application on an annual basis. The permit should be kept on-site for JCSCD inspection. Permits cannot be transferred to a new owner or another location of the same business.

As a condition for service, the user shall provide, operate and maintain, at user's expense, safe and accessible monitoring establishments (such as a suitable manhole) at all times to allow observation, inspection, sampling and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring establishment to allow accurate sampling and preparation of samples for analysis. When the physical location and hydraulic conditions are suitable, a manhole or similar establishment existing on the sanitary sewer collection system may be utilized as the user's manhole when agreed to by both the user and JCSCD.

Authorized personnel of JCSCD, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of

inspection, observation, measurement, sampling, testing or record review, in accordance with this program. (as added by Ord. #2008-10, Aug. 2008)

18-506. Enforcement. JCSCD shall have the administrative authority to enforce this program. Whenever JCSCD finds that any user has violated or is violating this program, or any prohibition, limitation or requirements contained herein, JCSCD will initiate corrective action, which may include but not be limited to the following:

JCSCD may issue any user a written notice stating the nature of violation. Within fifteen (15) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to JCSCD by the user.

JCSCD may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance with a time period specified by the order up to and including suspension of water service.

JCSCD may suspend water or sewer service when such suspension is necessary, in the opinion of JCSCD; in order to stop an actual or threatened discharge which:

- (1) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
- (2) Causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
- (3) Causes interference to the POTW; or
- (4) Causes JCSCD to violate any condition of its NPDES permits

Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, JCSCD shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. JCSCD shall reinstate the water or sewer service when such conditions causing the suspension have been eliminated, and the reconnection fee paid. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to JCSCD within fifteen (15) days of the date of occurrence.

When JCSCD finds that a user has violated or continues to violate the provisions set forth in this program, or the order issued hereunder, JCSCD may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary and appropriate to address the noncompliance, including but not be limited to the installation of pretreatment technology, additional self-monitoring and management practices.

Notwithstanding any other remedies or procedures available to JCSCD, any permitted user who is found to have violated any provision of this program, or any order issued hereunder, may be assessed an administrative penalty of not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and JCSCD shall have such other collection remedies as are available by law.

Any person affected by a penalty, order, or directive of JCSCD issued pursuant to this program may, within ten (10) days of the issuance of such penalty, order or directive, request a hearing in writing before JCSCD to show cause why such should be modified or made to not apply to such person. The requested hearing shall be held as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, JCSCD shall issue a written response to the person requesting the hearing affirming, modifying, or rescinding the penalty, order or directive at issue. (as added by Ord. #2008-10, Aug. 2008)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. ABANDONED PROPERTY.
2. CIVIL EMERGENCIES.
3. NONRESIDENT PROPERTY OWNERS VOTING IN MUNICIPAL ELECTIONS.

CHAPTER 1

ABANDONED PROPERTY

SECTION

- 20-101. Unclaimed items of personal property.
- 20-102. Report of abandoned property.
- 20-103. Disposition of abandoned property.
- 20-104. Proceeds from sale of abandoned property.
- 20-105. Items of abandoned property having no monetary value.

20-101. Unclaimed items of personal property. Any items of personal property, not to include motor vehicles, shall be deemed abandoned if:

- (1) It remains unclaimed and in the possession of the city for more than one year, and
- (2) The owner of the property cannot be ascertained, or if known, their whereabouts cannot be determined after reasonable inquiry. (Ord. #96-59, Feb. 1997)

20-102. Report of abandoned property. A report of abandoned property shall be sent to the state treasurer, as provided for in Tennessee Code Annotated, § 66-29-101 et seq. (Ord. #96-59, Feb. 1997)

20-103. Disposition of abandoned property. If the state treasurer declines to receive any or all items of abandoned property, the purchasing agent shall conduct an auction of the abandoned property, after having given 30 days advance notice in a newspaper of general circulation in the city, and any sale at the auction shall be final with no warranty, express or implied. All sales shall be paid for by the purchaser at the time of sale. (Ord. #96-59, Feb. 1997)

20-104. Proceeds from sale of abandoned property. All proceeds from the auction, required in § 20-103, shall be deposited into the general fund upon receipt of the proceeds by the city recorder. (Ord. #96-59, Feb. 1997)

20-105. Items of abandoned property having no monetary value.

Items of abandoned property having no monetary value shall be disposed of by the purchasing agent as refuse. (Ord. #96-59, Feb. 1997)

CHAPTER 2

CIVIL EMERGENCIES

SECTION

20-201. Proclamation of emergencies.

20-202. General curfew.

20-203. Restrictive orders.

20-204. Violations and penalty.

20-205. Exceptions to a curfew.

20-201. Proclamation of emergencies. When in the judgment of the city manager, a civil emergency is determined to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the city recorder. (Ord. #97-6, March 1997)

20-202. General curfew. After proclamation of a civil emergency by the city manager, he may order a general curfew applicable to such geographical areas of the city, or the city as a whole, as he deems advisable, and applicable during which hours of the day or night as he deems necessary in the interest of the public safety and welfare. The proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the city manager, but not to exceed fifteen (15) days. (Ord. #97-6, March 1997)

20-203. Restrictive orders. After proclamation of a civil emergency, the city manager may at his discretion, in the interest of public safety and welfare:

(1) Order the closing of all retail liquor stores, should there be retail liquor stores in the city;

(2) Order the closing of all establishments wherein beer or alcoholic beverages are served;

(3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted;

(4) Order the discontinuance of the sale of beer;

(5) Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(6) Order the closing of gasoline stations, and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products;

(7) Order the discontinuance of selling, distributing, dispensing or giving away any firearms or ammunition of any character whatsoever;

(8) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition; and

(9) Issue such other orders as are necessary for the protection of life and property. (Ord. #97-6, March 1997)

20-204. Violations and penalty. Any person violating the provisions of orders issued by the city manager pursuant to this authorization during a proclaimed civil emergency commits a Class C misdemeanor. (Ord. #97-6, March 1997)

20-205. Exceptions to curfew. Any curfew as defined hereby shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police or other law enforcement officer then in charge of the city's law enforcement, which permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (Ord. #97-6, March 1997)

CHAPTER 3

**NONRESIDENT PROPERTY OWNERS VOTING IN
MUNICIPAL ELECTIONS****SECTION**

20-301. Absentee by mail ballots required for properly registered nonresident property owners voting in Jefferson City municipal elections.

20-301. Absentee by mail ballots required for properly registered nonresident property owners voting in Jefferson City municipal elections. In accordance with Tennessee Code Annotated, § 2-6-205, the City Council of the City of Jefferson City ordains that any nonresident property owner who is properly registered to vote in Jefferson City municipal elections pursuant to Tennessee Code Annotated, § 2-2-107(a) shall be allowed to vote only by absentee ballot by mail in accordance with Tennessee statutes and such regulations and procedures established by the Jefferson County election commission. (as added by Ord. #2019-06, June 2019 *Ch14_12-2-19*)

ORDINANCE NO. 2001-13

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF JEFFERSON CITY TENNESSEE.

WHEREAS some of the ordinances of the City of Jefferson City are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the City Council of the City of Jefferson City, 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 "Jefferson City Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF JEFFERSON CITY, TENNESSEE:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Jefferson City Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

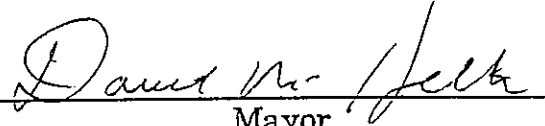
Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, 4th day of September, 2001.

Passed 2nd reading, 1st day of October, 2001.

Passed 3rd reading, 16th day of October, 2001.



Mayor



Recorder