

**THE
LAFOLLETTE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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CITY OF LAFOLLETE, TENNESSEE

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PREFACE

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

By utilizing the table of contents, code index 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 recorder for a comprehensive and up to date review of the city's ordinances.

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city/town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city/town agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

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

Section 10. Ordinance Procedure-Emergency Ordinances. Every ordinance shall be read on two (2) different days, at least one (1) of which shall be a regularly scheduled Council meeting date, in open session before its adoption, and not less than one (1) week shall elapse between first and second readings. Any ordinance not so read shall be null and void. The City Council may read the caption of an ordinance at the first reading and shall read the ordinance in its entirety on the second reading. Copies of such ordinances shall be available during regular business hours in the office of the City Clerk and during the session in which the ordinance has its second reading.

An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its passage, provided it contains the statement that an emergency exists and it specifies with distinctness the facts and reasons constituting such an emergency.

The unanimous vote of all members of the Council present shall be required to pass an emergency ordinance.

No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY RECORDER.
4. ADMINISTRATOR.
5. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Time and place of regular meetings and workshop meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Swearing in ceremonies for new officers.

1-101. Time and place of regular meetings and workshop meetings. The city council shall hold regular monthly meetings at 6:00 P.M. on the first Tuesday night of each month at the municipal building. The city council shall hold workshop meetings at 6:00 P.M. on the last Monday of each month at the municipal building. The city council reserves the right to

¹Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

²Charter references

Compensation: § 16.
Membership, terms, and powers: § 5.
Removal from office: § 15.
Vacancy in office: § 19.

reschedule any meeting due to holidays, conflicts, etc. and any such rescheduled meeting shall be duly published according to Tennessee law. (Ord. #2010-07, Jan. 2011)

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:

- (1) Call to order by the mayor;
- (2) Roll call by the recorder;
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction;
- (4) Grievances from citizens;
- (5) Communications from the mayor and councilmen;
- (6) Reports from officers, committees and boards;
- (7) Old business;
- (8) New business; and
- (9) Adjournment. (2000 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised*, 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. (2000 Code, § 1-103)

1-104. Swearing in ceremonies for new officers. (1) Following a general municipal election in which new members of the city council or a new mayor may be elected, it shall be the duty of the mayor serving at the time of such election to make arrangements to have the prescribed oath of office administered to the newly elected city councilmen and mayor prior to their assuming office on the first day of December succeeding such election.

(2) It shall be the duty of the mayor and the city administrator to furnish the newly elected councilmen and mayor complete and current statements of the condition of the city budget.

(3) It shall be the responsibility of the mayor and the city administrator to arrange a comprehensive orientation and training program for newly elected councilmen and mayor which shall include an introduction to the head of each department of the city and a comprehensive report of the projects in which their departments are engaged. (2000 Code, § 1-104)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (2000 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the city council. (2000 Code, § 1-202)

¹Charter references
Compensation: § 16.
Duties: § 5-A.

CHAPTER 3

CITY RECORDER

SECTION

1-301. Office created.

1-302. To be bonded.

1-303. To keep minutes, etc.

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

1-301. Office created. The offices of city clerk, city treasurer, budget director, and meter collector are hereby consolidated and the office of city recorder is created for the purpose of taking over and performing the duties of such offices.

The city recorder shall be appointed by and serve at the pleasure of the city council and shall receive such compensation as the council shall provide. He shall have all the powers and duties that have been, or may be, prescribed in the charter or by the city council for the city recorder or any of the offices hereby consolidated. (2000 Code, § 1-301)

1-302. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the city council before assuming the duties of his office. (2000 Code, § 1-302)

1-303. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (2000 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the city council and for the city which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (2000 Code, § 1-304)

CHAPTER 4

ADMINISTRATOR

SECTION

- 1-401. Office of administrator created.
- 1-402. Residence.
- 1-403. Vacancy in office of, or absence of.
- 1-404. Bond.
- 1-405. Duties of administrator.
- 1-406. City council - administrator relations.
- 1-407. Departmental cooperation.
- 1-408. Attendance at council meetings.
- 1-409. Removal.
- 1-410. Severance pay.

1-401. Office of administrator created. There is hereby created the office of administrator for the City of LaFollette. The city council shall appoint and fix the salary of said administrator, who shall serve at the pleasure of the city council. The administrator shall be selected solely on the basis of his training, experience, and other administrative qualifications. Minimum qualifications shall include a college degree and training or experience in municipal management or public administration. The administrator shall give full time to the duties of his office. No member of the city council shall be eligible for appointment as city administrator until one (1) year has elapsed after such council member shall have ceased to be a member of the city council. (2000 Code, § 1-401)

1-402. Residence. Residence in the city at the time of appointment of a city administrator shall not be required as a condition of the appointment, but within ninety (90) days after reporting for work the city administrator must become a resident of the City of LaFollette. (2000 Code, § 1-402)

1-403. Vacancy in office of, or absence of. During periods of vacancy in the office, temporary absences or disability of the administrator, the city council may appoint an acting administrator, or may designate a qualified administrative officer of the city to assume the duties and authority of the administrator. (2000 Code, § 1-403)

1-404. Bond. The city administrator and acting city administrator shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the said city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city administrator and

acting city administrator as herein prescribed. Any premium for such bond shall be a proper charge against the City of LaFollette. (2000 Code, § 1-404)

1-405. Duties of administrator. It shall be the duty of the administrator to supervise and coordinate all administrative activities of the affairs of the city under the city council.

(1) To make recommendations to the city council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the city.

(2) To keep the city council fully advised as to the conditions and needs of the city including an inventory of property and equipment, and to recommend what repairs or replacements are needed.

(3) To recommend what programs or projects involving public works or public improvements should be undertaken by the city and priority of same.

(4) To recommend to the city council the employment, dismissal, promotion or demotion of any employee, and to keep personnel files on all employees.

(5) To act as purchasing agent subject to the policies, rules and regulations established by the city council.

(6) To review, approve, and recommend to the city council a budget for each department of the city coming under the supervision of the city council.

(7) To act as liaison officer for the city council in coordinating the activities under the council with the activities of the city under separate boards and commissions.

(8) To serve as coordinator for all federal and state programs which may be available to the city.

(9) To perform such other duties as may be required of him by resolution of the city council. (2000 Code, § 1-405)

1-406. City council - administrator relations. The city council and its members shall deal with the administrative services of the city only through the city administrator, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city administrator. The city administrator shall take his orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilman shall give any orders or instructions to the city administrator. (2000 Code, § 1-406)

1-407. Departmental cooperation. It shall be the duty of all subordinate officers and the city recorder and city attorney to assist the city administrator in administering the affairs of the city efficiently, economically and harmoniously. (2000 Code, § 1-407)

1-408. Attendance at council meetings. The city administrator may attend any and all meetings of the planning commission, recreation and park commission, and any other commissions, boards or committees created by the city council upon his own volition or upon direction of the city council. At such meetings which the city administrator attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform said members as to the status of any matter being considered by the city council, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (2000 Code, § 1-408)

1-409. Removal. The city administrator shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general municipal election held in the city at which election a member of the city council is elected or when a new city councilman is appointed; the purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city administrator in the performance of the powers and duties of his office. After the expiration of said ninety (90) day period aforementioned, the city administrator may be removed only by a majority vote of the city council as then constituted. (2000 Code, § 1-409)

1-410. Severance pay. On termination of employment of the city administrator by reason of involuntary removal from service other than for willful misconduct in office, the city administrator shall receive cash severance pay in a lump sum equal to one (1) months' pay for up to two (2) years of continuous service and two months pay for continuous service in excess of two (2) years service and over. (2000 Code, § 1-410)

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. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations and penalty.

1-501. Applicability. This chapter is the code of ethics for personnel of the City of LaFollette. 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

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* sections indicated:

Campaign finance - *Tennessee Code Annotated*, title 2, chapter 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.

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

instrumentality appointed or created by the city. The words "municipal" and "city" or "City of LaFollette" include these separate entities. (Ord. #2007-03, 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;

(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. (Ord. #2007-03, 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. (Ord. #2007-03, 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 official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #2007-03, June 2007)

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

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 city:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #2007-03, June 2007)

1-506. 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. (Ord. #2007-03, June 2007)

1-507. 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 city council to be in the best interests of the city. (Ord. #2007-03, June 2007)

1-508. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (Ord. #2007-03, June 2007)

1-509. Outside employment. A full-time employee of the city may not accept any outside employment without written authorization from the city administrator. (Ord. #2007-03, June 2007)

1-510. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(b) The city attorney may request the city council 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 city council, the city council 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 farther investigation. If the city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(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. (Ord. #2007-03, June 2007)

1-511. Violations and penalty. 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 city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #2007-03, June 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. BOARD OF PUBLIC UTILITIES.
2. RECREATION COMMISSION.
3. BOARD OF TRUSTEES OF THE LAFOLLETTE COMMUNITY HOSPITAL.

CHAPTER 1

BOARD OF PUBLIC UTILITIES¹

SECTION

2-101. To operate electric, water, and sewer systems.

2-101. To operate electric, water, and sewer systems. The board of public utilities shall operate the electric, water, and sewer systems of the City of LaFollette.¹ (2000 Code, § 2-101)

¹Charter reference

Board of public utilities to operate the electric system: §§ 31-39.

See § 17 in the unnumbered ordinance dated January 7, 1948, of record in the city recorder's office, for provisions vesting the custody, administration, and control of the water and sewer systems in the board of public utilities.

CHAPTER 2

RECREATION COMMISSION

SECTION

2-201. Creation and membership.

2-202. Powers and duties.

2-203. Finances.

2-201. Creation and membership. There is hereby created a recreation commission for the City of LaFollette. The commission shall consist of seven (7) members who shall serve for three (3) year overlapping terms and without compensation.

For the purpose of establishing the recreation commission three (3) persons are appointed to serve for three (3) years; two persons are appointed to serve for two (2) years; and two (2) persons are appointed to serve for one (1) year. The persons first appointed shall serve for the terms specified or until their successors are appointed and qualified. Vacancies created by expiration of terms shall be filled for three (3) year periods. Vacancies occurring otherwise shall be filled for the unexpired term. All appointments shall be made by the mayor with the consent of a majority of the city council. Immediately after their appointment, the members of the recreation commission shall meet and organize by electing one (1) of their members as president and such other officers as may be necessary. (2000 Code, § 2-201)

2-202. Powers and duties. The recreation commission shall act as an advisory board to the city council regarding the public playgrounds, parks, athletic fields, recreation centers, and any and all other recreational facilities and activities on any of the properties owned, leased, or controlled by the City of LaFollette and on other properties with the legal consent of the owner or authorities responsible therefor. (2000 Code, § 2-202)

2-203. Finances. The recreation commission shall work with the City of LaFollette Recreation Department Head in reviewing the recreation budget. The recreation commission is empowered and authorized to solicit and receive gifts, bequests or endowments of money, or property as donations or grants from persons, firms or corporations, including and governmental agency of the State of Tennessee or the United States of America, to be used for the public recreation of the people of the City of LaFollette. Any gift, donation or grant received by the commission shall be in the name of the City of LaFollette. Title to gifts of land for recreational uses shall be in the City of LaFollette and the final acceptance of such gifts of land real estate shall be subject to the concurrence or approval by the city council. (2000 Code, § 2-203)

CHAPTER 3

BOARD OF TRUSTEES OF THE LAFOLLETTE COMMUNITY HOSPITAL¹

SECTION

2-301. Authority to sue and be sued.

2-302. Process agent designated.

2-301. Authority to sue and be sued. The LaFollette Community Hospital through its duly constituted board of trustees, is hereby given the right to sue and be sued in its own name, and by this chapter is given the right to sue and be sued in the name of the LaFollette Community Hospital. (2000 Code, § 2-301)

2-302. Process agent designated. The administrator of the LaFollette Community Hospital is hereby designated as the process agent for the purpose of accepting process from any court or tribunal of competent jurisdiction. (2000 Code, § 2-302)

¹Charter reference

Board of Trustees of the LaFollette Community Hospital: §§ 40-47.

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

CHAPTER 1**CITY JUDGE****SECTION**

- 3-101. City judge.
3-102. Jurisdiction.

3-101. City judge. (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be a minimum of _____ (____) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Campbell County. If the city judge for any reason removes his domicile from Campbell County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of city judge.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge.

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

¹Charter reference: § 25.

CHAPTER 2**COURT ADMINISTRATION****SECTION**

3-201. Maintenance of docket.

3-202. Disturbance of proceedings.

3-203. Litigation tax.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before the city court. (2000 Code, § 3-201)

3-202. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court. (2000 Code, § 3-202, modified)

3-203. Litigation tax. (1) There is hereby levied a privilege tax on litigation of thirteen dollars seventy-five cents (\$13.75) on all suits in the City Court of the City of LaFollette, Tennessee.

(2) Proceeds of this tax shall be paid to the city recorder and shall be deposited in the general fund for the purpose of defraying part of the judicial and law enforcement expense of the city. (2000 Code, § 3-204, modified)

CHAPTER 3

SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (2000 Code, § 3-301, modified)

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. (2000 Code, § 3-302)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. 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 (2000 Code, § 3-402)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. Appeals shall be consistent with the general laws governing city courts. (2000 Code, § 3-403, modified)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

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

1. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
2. WRITTEN HAZARD DETERMINATION PROGRAM.
3. WRITTEN HAZARD COMMUNICATION PROGRAM.
4. PERSONNEL POLICIES.
5. CIVIL RIGHTS COMPLIANCE MANUAL.
6. INFECTIOUS DISEASE POLICY.

CHAPTER 1**OCCUPATIONAL SAFETY AND HEALTH PROGRAM****SECTION**

- 4-101. Title.
- 4-102. Purpose.
- 4-103. Coverage.
- 4-104. Standards authorized.
- 4-105. Variances from standards authorized.
- 4-106. Administration.
- 4-107. Funding the program plan.

4-101. Title. This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of LaFollette, Tennessee. (Ord. #2019-05, Sept. 2019)

4-102. Purpose. The City of LaFollette, in electing to update the established program plan, will maintain an effective and comprehensive occupational safety and health program plan for its employees, and shall:

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

- (a) Top management commitment and employee involvement;
- (b) Continually analyze the worksite to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

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

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #2019-05, Sept. 2019)

4-103. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of LaFollette shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #2019-05, Sept. 2019)

4-104. Standards authorized. The occupational safety and health standards adopted by the City of LaFollette 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). (Ord. #2019-05, Sept. 2019)

4-105. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for

a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #2019-05, Sept. 2019)

4-106. Administration. For the purpose of this chapter, the safety coordinator 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. (Ord. #2019-05, Sept. 2019)

4-107. 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's budget as approved by city council. (Ord. #2019-05, Sept. 2019)

CHAPTER 2

WRITTEN HAZARD DETERMINATION PROGRAM

SECTION

4-201. Establishment and administration of program.

4-202. Evaluation of chemicals; used or produced, etc.

4-601. Establishment and administration of program. (1) A written hazard determination program is hereby established to evaluate chemicals used or produced by the City of LaFollette to determine if they are hazardous or not.

(2) The city administrator shall be responsible for the program.

(3) The fire chief shall be assigned to hazardous chemical evaluation.

(2000 Code, § 4-201)

4-602. Evaluation of chemicals; used or produced, etc.

(1) For chemicals used Material Safety Data Sheets (MSDS) will be used to evaluate whether or not supplied chemicals are hazardous. Chemicals which are health hazards will be designated as such or listed in the hazardous ingredients section.

(2) For chemicals produced, such as intermediate products, welding fumes, carbon monoxide, and wood dust, MSDS's or equivalents will be produced internally or obtained from *1910 1200 Hazard Communication*, (d) and (g).

(3) Chemicals for which there is scientifically valid evidence that it a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive are considered hazardous, and defined as physical hazards.

(4) Chemicals found in the following publications will automatically be considered as health hazards:

(a) 29 CFR 1910, Subpart Z. "Toxic and Hazardous Substances," (OSHA);

(b) "Threshold Limit Values and Biological Exposure Indices," (latest edition), American Conference of Governmental Industrial Hygienists (ACGIH); and for chemicals that are carcinogens or potential carcinogens.

(c) (i) National Toxicology Program (NTP), "Annual Report on Carcinogens," (latest edition);

(ii) International Agency for Research on Cancer (IARC), "Monographs," (latest edition);

(iii) 29 CFR 1910, Subpart Z, "Toxic and Hazardous Substances," Occupational Safety and Health Administrations.

(5) For other chemicals produced and/or used, statistically scientific evidence will be identified and evaluated in accordance with the criteria set

forth in Appendices A and B of the Hazard Communication Standard. (2000 Code, § 4-202)

CHAPTER 3

WRITTEN HAZARD COMMUNICATION PROGRAM

SECTION

4-301. Establishment of program.

4-302. Administration; communication and implementation.

4-301. Establishment of program. A written hazard communication program is hereby established to communicate information concerning the location, uses and dangers of hazardous chemicals to employees and citizens. (2000 Code, § 4-701)

4-302. Administration; communication and implementation. The city administrator is responsible for the communication and implementation of the following requirements of the program to employees:

(1) Labels and other forms of warning. Labels and other forms of warning for each incoming hazardous chemical will be inspected for compliance with section (f) of the standard, and to ensure that proper forms of warning are posted. For hazardous chemicals produced within the plant or workshop (such as carbon monoxide and welding products), warnings will be posted if the situation demands (a written justification).

(2) Material Safety Data Sheets (MSDS). MSDS for each hazardous chemical to which employees are or may be exposed, will be obtained and made readily available according to the requirements of section (g) of the Standard. For new chemicals, MSDS will be made available prior to use. For hazardous chemicals produced internally, a MSDS may be used or developed to satisfy the physical and health hazard communication requirements. All incoming MSDS will be checked for accuracy.

(3) Employee information and training. (a) Information and training as required by section (h) of the standard will be provided to all employees at the time of initial assignment, whenever a new hazard is introduced into their work areas, or for any existing hazard.

(b) Required information will be obtained from sources which include those listed in Appendix C of the standard.

(c) Employees will be trained to be able to recall fundamental health and physical hazards associated with the specific chemicals to which they are exposed.

(d) Training will utilize such aids and methods as recommended by TOSHA.

(4) Hazardous chemicals list. The hazardous chemicals list shall be based on a format recommended by TOSHA.

(5) Methods used to inform employees of the hazards of non-routine tasks. Employees involved in non-routine tasks (such as tank cleaning and

maintenance) will be informed of the hazards involved, and trained at specific training sessions so as to ensure awareness of required information.

(6) Methods used to inform contractor employers. Contractors who may be exposed to hazardous chemicals will be informed both verbally and by means of an information sheet, as to hazards involved, at a meeting before any work is accomplished. (2000 Code, § 4-702)

CHAPTER 4**PERSONNEL POLICIES****SECTION**

4-401. Employee handbook and personnel policies.

4-401. Employee handbook and personnel policies.¹ The City of LaFollette Employee Handbook and Personnel Policies (and any amendments thereto) are adopted by reference herein as if copied verbatim. (2000 Code, § 4-801)

¹A copy of the City of LaFollette Employee Handbook and Personnel Policies is of record in the office of the city recorder. It is available for review during regular business hours.

CHAPTER 5**CIVIL RIGHTS COMPLIANCE MANUAL**¹**SECTION**

4-501. Adoption by reference.

4-501. Adoption by reference. (1) The attachment to the ordinance codified herein, Title VI Compliance Manual for the City of LaFollette, Tennessee, shall be adopted in its entirety by reference.

(2) The following statement shall be deemed as the City of LaFollette's title VI policy statement: "It is the policy of the City of LaFollette to ensure that no citizen shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (Ord. #2012-06, Jan. 2013)

¹The compliance manual is available for public inspection in the office of the city recorder.

CHAPTER 6

INFECTIOUS DISEASE POLICY

SECTION

- 4-601. Purpose.
- 4-602. Coverage.
- 4-603. Administration.
- 4-604. Definitions.
- 4-605. Policy statement.
- 4-606. General guidelines.
- 4-607. Hepatitis B vaccinations.
- 4-608. Reporting potential exposure.
- 4-609. Hepatitis B virus post-exposure management.
- 4-610. Human immunodeficiency virus post-exposure management.
- 4-611. Disability benefits.
- 4-612. Training regular employees.
- 4-613. Training high risk employees.
- 4-614. Training new employees.
- 4-615. Records and reports.
- 4-616. Legal rights of victims of communicable diseases.

4-601. Purpose. It is the responsibility of the 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, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #2014-05, Oct. 2014)

4-602. Coverage. (1) Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills.

(2) 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.

- (3) Those high risk occupations include but are not limited to:
- (a) Paramedics and emergency medical technicians;
 - (b) Occupational nurses;

- (c) Housekeeping and laundry workers;
- (d) Police and security personnel;
- (e) Firefighters;
- (f) Sanitation and landfill workers; and
- (g) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #2014-05, Oct. 2014)

4-603. Administration. This infection control policy shall be administered by the mayor or his designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of mayor and 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 board of mayor and aldermen. (Ord. #2014-05, Oct. 2014)

4-604. Definitions. (1) "Body fluids." Fluids that have been recognized by the Centers 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) "Standard 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.

(6) "Tuberculosis (TB)." An acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body. (Ord. #2014-05, Oct. 2014, modified)

4-605. 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 "standard precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #2014-05, Oct. 2014, modified)

4-606. 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; and

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

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

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

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

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

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (one (1) part chlorine to ten (10) parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least thirty (30) seconds. A solution must be changed and re-mixed every twenty-four (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 one hundred twenty degrees (120°) are adequate for decontamination;

(11) Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster.

NOTE: Sharp objects must be placed in an impervious container and shall be properly disposed of;

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

All required tags shall meet the following criteria.

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

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

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

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

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

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #2014-05, Oct. 2014)

4-607. Hepatitis B vaccinations. The 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. (Ord. #2014-05, Oct. 2014)

4-608. Reporting potential exposure. (1) 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.):

(a) Notify the infectious disease control coordinator of the contact incident and details thereof;

(b) Complete the appropriate accident reports and any other specific form required; and

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

(2) Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface Antigen (HBsAg) and/or antibody to Human Immunodeficiency Virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #2014-05, Oct. 2014)

4-609. Hepatitis B virus post-exposure management. (1) 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.

(2) 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 (1) dose of vaccine and one (1) dose of HBIG if the antibody level in the worker's blood sample is inadequate (i.e., ten (10) SRU by KIA, negative by EIA).

(3) If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #2014-05, Oct. 2014)

4-610. 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 twelve (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 six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first six to twelve (6-12) weeks after exposure) exposed workers should follow the U.S. Public Health Service recommendation for

preventing transmission of HIV. These include remaining 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 twelve (12) weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #2014-05, Oct. 2014)

4-611. 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 Workers' Compensations Bureau in accordance with the provisions of *Tennessee Code Annotated*, § 50-6-303. (Ord. #2014-05, Oct. 2014)

4-612. 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. (Ord. #2014-05, Oct. 2014)

4-613. 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 "standard 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. (Ord. #2014-05, Oct. 2014, modified)

4-614. Training new employees. During the new employee's orientation to his job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (Ord. #2014-05, Oct. 2014)

4-615. 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 record-keeping 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 safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #2014-05, Oct. 2014)

4-616. 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. (Ord. #2014-05, Oct. 2014)

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. TAX ASSESSOR AND BOARD OF EQUALIZATION.
4. WHOLESALE BEER TAX.
5. PURCHASING.

CHAPTER 1**REAL PROPERTY TAXES****SECTION**

- 5-101. When due and payable.
5-102. When delinquent--penalty and interest.
5-103. Discount for early payment.

5-101. When due and payable.² Taxes levied by the city against real property shall become due and payable annually to the City of LaFollette on the first day of October of the year for which levied. (2000 Code, § 5-101, modified)

¹Charter reference: § 26.

Municipal code reference
Litigation tax: § 3-204.

²State 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.

5-102. When delinquent—penalty and interest.¹ All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.² (2000 Code, § 5-102)

5-103. Discount for early payment. The property owner shall be provided a discount of two percent (2%) of the real property tax currently due, if such taxes are paid within thirty (30) days of the date on which such taxes are payable under *Tennessee Code Annotated*, § 67-1-701(a), and a discount of one percent (1%) if paid after more than thirty (30) days but less than sixty (60) days after the date such taxes are payable under *Tennessee Code Annotated*, § 67-1-701(a). Such discount shall not apply when all or any part of the amount of tax due is paid under part 7 of Chapter 5 (*Tennessee Code Annotated*); provided, however, all such taxes payable from or under an escrow account or similar arrangement shall be paid within thirty (30) days of the date on which such taxes are payable, unless the taxpayer requests a later payment from or under an escrow account or similar arrangement, so that taxpayers whose ad valorem real property taxes are paid from or under an escrow account or similar arrangement may receive the maximum benefit of such discount. (2000 Code, § 5-103)

¹Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of one-half of one percent (0.5%) and interest of one percent (1%) shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

²Charter and state law references

A municipality has the option of collecting delinquent property taxes any one (1) of three (3) ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under *Tennessee Code Annotated*, §§ 6-55-201 to 6-55-206.
- (3) By the county trustee under *Tennessee Code Annotated*, § 67-5-2005.

CHAPTER 2

PRIVILEGE TAXES

SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's Business Tax Act (*Tennessee Code Annotated*, §§ 67-4-701, *et seq.*) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the municipality at the rates and in the manner prescribed by the said act. (2000 Code, § 5-201)

5-202. License required. No person shall exercise any such privilege within the City of LaFollette without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (2000 Code, § 5-202)

CHAPTER 3

TAX ASSESSOR AND BOARD OF EQUALIZATION

SECTION

- 5-301. Election, term, and removal of tax assessor.
- 5-302. Tax assessor to be bonded.
- 5-303. Tax assessor's salary.
- 5-304. Assistant tax assessors.
- 5-305. Tax assessor's oaths.
- 5-306. Board of equalization established.
- 5-307. Board's organization, quorum, and records.
- 5-308. Meetings and compensation of board; tax assessor to assist.
- 5-309. Board's powers, duties, and oath.
- 5-310. Application of general law.

5-301. Election, term, and removal of tax assessor. The city council shall elect, by a majority vote of all of its members, a tax assessor, who shall hold office at the pleasure of the city council. He may be removed at any time by a majority vote of all the members of the city council. (2000 Code, § 5-301)

5-302. Tax assessor to be bonded. The tax assessor shall give a bond, either corporate surety or with two (2) or more good and sufficient personal sureties, in such sum as may be approved by the city council. Such bond shall be conditioned that the tax assessor will honestly and faithfully perform the duties of a tax assessor in conformity with the laws governing county tax assessors. The premium for such bond shall be paid by the city. (2000 Code, § 5-302)

5-303. Tax assessor's salary. The salary of the tax assessor shall be fixed by the city council and may be changed as specified in annual budgets duly approved by the city council. (2000 Code, § 5-303)

5-304. Assistant tax assessors. The city council may elect an assistant tax assessor and such additional assistants as it deems necessary, and shall prescribe their duties, specify the amount of bond for each, and fix their salaries in annual budgets. (2000 Code, § 5-304)

5-305. Tax assessor's oaths. The tax assessor and any assistants shall subscribe to the oath required of county tax assessors except that "city" shall be substituted for "county." (2000 Code, § 5-305)

5-306. Board of equalization established. There is hereby established a board of equalization to be composed of five (5) freeholders of the

city, each of whom shall have been a resident of the city for not less than six (6) years. The city council shall make appointments to the board of equalization on or before June 1 in odd numbered years. No officer or employee of the city shall be eligible for appointment to the board of equalization. (2000 Code, § 5-306)

5-307. Board's organization, quorum, and records. The board of equalization shall elect one (1) of its members as chairman and one as secretary. A majority of the board shall constitute a quorum for the transaction of business. Said board shall keep a daily record of its transactions, which shall be signed by the chairman and the secretary. (2000 Code, § 5-307)

5-308. Meetings and compensation of board; tax assessor to assist. The board of equalization shall meet the first Monday in June of each year and sit in regular session as necessity may require until the equalization has been completed. Each member of the board shall be paid such compensation as the city council may from time to time prescribe. The city tax assessor shall sit with the board in an advisory capacity during each and every day of the session of the board, making available his records, and rendering assistance to the board in the performance of its duties in the equalization of assessments. (2000 Code, § 5-308)

5-309. Board's powers, duties, and oath. The board of equalization shall have the same powers and duties in equalizing assessments within the city as county boards of equalization now have by general law in equalizing assessments. The members thereof shall take the oath required of members of county boards of equalization except that "city" shall be substituted for "county." (2000 Code, § 5-309)

5-310. Application of general law. Back assessment or reassessment of property shall be made when authorized and in the same manner as prescribed by the general law, *Tennessee Code Annotated*, title 67, chapter 1. The city recorder is hereby given the duties which chapter 1 imposes upon county clerks, county trustees, the county judges or chairmen of county courts, and collectors of taxes, and the city attorney is hereby given the duties which chapter 1 imposes upon county attorneys, within the area of jurisdiction of the City of LaFollette. (2000 Code, § 5-310)

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 LaFollette of the wholesale beer tax levied by the Wholesale Beer Tax Act, as set out in *Tennessee Code Annotated*, title 57, chapter 6.¹ (2000 Code, § 5-401)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax in accordance with § 57-6-103. 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 procedure.
- 5-503. Certification of availability of funds.
- 5-504. Sealed bid requirements.
- 5-505. Advertisement for bids.
- 5-506. Competitive bids.
- 5-507. Purchases and contracts less than \$300.00.
- 5-508. Bid deposits.
- 5-509. Performance bond.
- 5-510. Rejection of bids.
- 5-511. Record of bids.
- 5-512. Considerations in determining lowest responsible bidder.
- 5-513. Statement when award not given low bidder.
- 5-514. Award in case of tie bids.
- 5-515. Purchase of emergency replacement parts for existing equipment.
- 5-516. When written contract required.
- 5-517. Anti-discrimination provision in contracts for work or services.
- 5-518. Disposal of surplus property.
- 5-519. Items consumed in the course of work or items thought to be worthless.
- 5-520. Items estimated to be worth less than \$500.00.
- 5-521. Items estimated to be worth more than \$500.00.
- 5-522. Purchasing policy for the LaFollette Board of Utilities.
- 5-523. Purchasing policy for the LaFollette Community Hospital.

5-501. Purchasing agent. The city administrator shall be the purchasing agent for the municipality. The city administrator may delegate portions of the purchasing function to other administrative staff as he deems appropriate. 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. (2000 Code, § 5-501)

5-502. General procedure. Competitive bids on all supplies, materials, equipment, and services, except those specified elsewhere in this code, and contracts for public improvements 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 in this code. The purchasing agent shall establish as necessary more detailed purchasing procedures to be followed by city departments in obtaining goods and services. (2000 Code, § 5-502)

5-503. Certification of availability of funds. In all cases the city recorder shall certify that duly appropriated funds are or will be available in the city treasury before any purchase or contract shall be awarded. (2000 Code, § 5-503)

5-504. Sealed bid requirements. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of ten thousand dollars (\$10,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Law of 1983. (2000 Code, § 5-504, modified)

5-505. Advertisement for bids. Notice inviting bids shall be published at least once in a local newspaper at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice shall include a general description of the articles to be purchased, shall state where bid blanks and written specifications may be secured, and the time and place for opening bids. (2000 Code, § 5-505)

5-506. Competitive bids. Purchases on all goods and services that cost between four thousand dollars (\$4,000.00) and ten thousand (\$10,000.00) shall be made by competitive bidding and shall be awarded to the lowest responsible bidder, except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Law of 1983. A written record shall be required and be available for inspection showing that competitive bids were obtained by one (1) or more of the following methods:

- (1) Direct mail request to prospective bidders;
- (2) Telephone;
- (3) Public notice posted on the bulletin board in the municipal building; and/or
- (4) Email. (2000 Code, § 5-506, modified)

5-507. Purchases and contracts less than \$300.00. Public advertisement and competitive bidding shall not be required for the purchase of goods and services up to four thousand dollars (\$4,000.00). The purchasing agent is expected to obtain the best prices and services available for purchases and contracts of four thousand dollars (\$4,000.00) or less. (2000 Code, § 5-507)

5-508. Bid deposits. 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. (2000 Code, § 5-508)

5-509. Performance bond. The purchasing agent may 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. (2000 Code, § 5-509)

5-510. 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 (1) 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 any taxes, licenses, fees, or other monies of whatever nature that may be due the city by said vendor or contractor. (2000 Code, § 5-510)

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 amounts bid by each, and the method of solicitation and bidding, and such records shall be open to public inspection. (2000 Code, § 5-511)

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

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the 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 quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- (9) The number and scope of conditions attached to the bid. (2000 Code, § 5-512)

5-513. Statement when award not given low bidder. When the award 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 and filed with all the other papers relating to the transaction. (2000 Code, § 5-513)

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

(2) Where a local vendor has not bid or where his bid is not one (1) of the lowest tie bids, the purchasing agent shall award the contract to one (1) of the tie bidders by drawing lots in public. (2000 Code, § 5-514)

5-515. Purchase of emergency replacement parts for existing equipment. Notwithstanding any other provision of this chapter, the purchase of emergency replacement parts for existing equipment shall need prior approval of the city council when amount is above that specified in § 5-506. (2000 Code, § 5-515)

5-516. When written contract required. (1) Except as otherwise provided by this code, and except the services of salaried employees of the city, any services of a professional person or firm, including attorneys, accountants, physicians, architects, and consultants required by the city, whose fee is two thousand dollars (\$2,000.00) or more, shall be evidenced by written contract signed by the person or firm rendering the service and by the mayor after authorization so to do by city council; provided, however, that the council, in its discretion, may contract for such services by the adoption of a written resolution defining the services to be rendered. No competitive bidding shall be required for such services.

(2) Agreements entered into by the city for construction work involving the expenditure of one thousand five hundred dollars (\$1,500.00) or more must be evidenced by written contract. (2000 Code, § 5-516)

5-517. Anti-discrimination provision in contracts for work or services. All contracts entered into by the city whereby services are furnished or municipal functions performed shall contain therein a provision that the contractor, in performing the work required by the contract or furnishing the services provided for shall not discriminate against any person seeking employment with or employed by him, because of race, creed, color or national origin. (2000 Code, § 5-517)

5-518. Disposal of surplus property. The purchasing agent shall be in charge of the disposal of surplus city property. (2000 Code, § 5-518)

5-519. Items consumed in the course of work or items 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 by and at the discretion of the city administrator in a like manner to any other refuse. Said items shall be simply charged off as a routine cost of doing

business. However, council shall be notified of what has been disposed of. (2000 Code, § 5-519)

5-520. Items estimated to be worth less than \$500.00. When selling items of surplus city property estimated to be worth less than five hundred dollars (\$500.00) shall be disposed of by the purchasing agent in the following manner:

- (1) By posting a notice in at least three (3) public locations in the city or publishing a notice in a local newspaper;
- (2) Receiving sealed bids or hold a public auction at a specified date, time and place;
- (3) Awarding items to highest bidder. In the event the highest bidder is unable to pay within twenty-four (24) hours, the item shall then be awarded to the second highest bidder;
- (4) Noting all pertinent information in the fixed asset record of the city as to the disposal of said item; and
- (5) Retaining the records, (notice, bids and property cards) for a period of five (5) years. (2000 Code, § 5-520)

5-521. Items estimated to be worth more than \$500.00. When disposing of items of city property estimated to be worth more than five hundred dollars (\$500.00), the purchasing agent shall follow the following procedure:

- (1) Obtain from city council a resolution declaring said item(s) excess property and fixing date, time and place for the purchasing agent to receive sealed bids or hold public auction;
- (2) Publish copy of resolution in a local newspaper;
- (3) Awarding bid to highest bidder. In the event the highest bidder is unable to pay within twenty-four (24) hours, the item shall then be awarded to the second highest bidder;
- (4) Noting all pertinent information in the fixed asset record of the city as to the disposal of said item; and
- (5) Retaining the records (notice, bids and property cards) for a period of five (5) years. (2000 Code, § 5-521)

5-522. Purchasing policy for the LaFollette Board of Utilities. Title 5, chapter 5 shall not apply to purchases made by the board of public utilities. Purchases made by said board shall be made in compliance with *Tennessee Code Annotated*, § 7-52-117(d) for the electric department. Purchasing procedures for the water and sewer department shall be established by the board of public utilities, but in no event shall the regulations adopted be less restrictive than the requirements of the electric department. (2000 Code, § 5-522)

5-523. Purchasing policy for the LaFollette Community Hospital.

Title 5, chapter 5 of this code shall not apply to purchases made by the LaFollette Community Hospital. Purchasing procedures to be followed by the said hospital shall be established by the board of trustees of the LaFollette Community Hospital, said regulations to be consistent with sound business practices and procedures. (2000 Code, § 5-523)

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

6-101. Police officers subject to chief's orders.

6-102. Police officers to preserve law and order, etc.

6-103. Police officers to wear uniforms and be armed.

6-104. When police officers to make arrests.

6-105. Police officers may require assistance in making arrests.

6-106. Police department records.

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (2000 Code, § 6-101)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (2000 Code, § 6-102)

6-103. Police officers to wear uniforms and be armed. All police officers 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. (2000 Code, § 6-103)

6-104. When police officers 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 police officer in the following cases:

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

¹Municipal code reference

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (2000 Code, § 6-104)

6-105. Police officers may require assistance in making arrests.

It shall be unlawful for any male person to willfully refuse to aid a police officers in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (2000 Code, § 6-105)

6-106. 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 police officers; and

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (2000 Code, § 6-107)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.
6. OPEN BURNING.

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 area within the corporate limits which is zoned as the "general business district." (2000 Code, § 7-101)

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

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Modifications.
- 7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *International Fire Code*,² 2018 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the *Fire Prevention Code* has been filed with the city recorder and is available for public use and inspection. The fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (2000 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (2000 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of LaFollette. (2000 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in the fire prevention code, in which storage of explosive materials and storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code. (2000 Code, § 7-204)

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within any business or residential district at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (2000 Code, § 7-205)

7-206. Modifications. The chief of the fire department may recommend to the city council modifications from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the city council. (2000 Code, § 7-206)

7-207. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the *Standard Fire Prevention Code* herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the city council of the city or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (2000 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

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

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the 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 commissioner of public safety shall appoint and the city council shall approve. (2000 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; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (2000 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. (2000 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

¹Municipal code reference

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

to the commissioner of public safety once each month, and at the end of the year a detailed annual report shall be made. (2000 Code, § 7-304)

7-305. Tenure and compensation of members. The chief and all other members of the fire department shall hold office so long as their conduct and efficiency are satisfactory to the commissioner of public safety.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (2000 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the fire fighters, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (2000 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (2000 Code, § 7-307)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

7-301. Equipment and personnel to be used only within corporate limits. City of LaFollette Fire Department equipment will be used outside LaFollette corporate limits only to respond to mutual aid calls or the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property unless otherwise authorized by the fire chief or city administrator.

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Permits, necessity; regulations; display; nontransferable.
- 7-502. Business licenses not replaced by permit.
- 7-503. Application fee, duration of permit.
- 7-504. Responsibility for fireworks display.
- 7-505. Disposal of unfired fireworks.
- 7-506. Seizure of fireworks.
- 7-507. Storage, location and display of fireworks; protection of fuses.
- 7-508. Manufacture, sale of explosive is prohibited.
- 7-509. Exceptions.
- 7-510. Age limitations.
- 7-511. Firing fireworks.
- 7-512. Application fee.
- 7-513. Temporary structures.

7-501. Permits, necessity; regulations; display: nontransferable.

It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the City of LaFollette, except as herein provided, any item of fireworks without first having secured the required applicable permits as a manufacturer, distributor, wholesaler or retailer from the City of LaFollette, Planning Commission, and the state fire marshal, possession of said permits being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the City of LaFollette, except as herein provided. Permits are not transferable. (Ord. #2018-06, Sept. 2018)

7-502. Business licenses not replaced by permit.

The issuance of the permit herein required by the City of LaFollette shall not replace or relieve by any person, state, county or municipal business licenses as now or hereafter provided by law. All individuals and/or entities receiving a permit as detailed herein shall be responsible for all applicable state and local sales taxes. (Ord. #2018-06, Sept. 2018)

7-503. Application fee, duration of permit.

The application fee for the permit provided in § 7-501 shall be set by the board of mayor and council and shall be required for each application. The permit shall be valid for twelve (12) months.

(1) The fireworks permit may be issued after approval for the site plan or land use plan, by the planning commission that the property meets or exceeds

the requirements for that zoning district and that the building meets minimum standards for the safe storage of fireworks.

(2) The structure has at least a four (4) hour fire rating.

(3) The applicant is a state licensed retailer.

(4) Certification by the fire chief and the property maintenance officer that the operation meets minimum fire codes for safe operation.

(5) Temporary structures are permissible and details of said temporary structure shall be itemized on the required site plan and shall be approved by the planning commission. Temporary permits shall be valid for a total of fifteen (15) days and the application shall further itemize the start and end date as proposed by the applicant. (Ord. #2018-06, Sept. 2018)

7-504. Responsibility for fireworks display. The permittee shall be held responsible for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (Ord. #2018-06, Sept. 2018)

7-505. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (Ord. #2018-06, Sept. 2018)

7-506. Seizure of fireworks. The chief of the fire department or any police having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner of all stocks or fireworks offered or exposed for sale, stored, or held in violation of this chapter. (Ord. #2018-06, Sept. 2018)

7-507. Storage, location and display of fireworks; protection of fuses. Placing, storing, locating, or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes, within fifty feet (50') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with words "fireworks-no smoking" in letters not less than four inches (4") high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils, or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline, or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property. (Ord. #2018-06, Sept. 2018)

7-508. Manufacture, sale of explosives is prohibited. The manufacture of explosives is prohibited within the corporate limits of the city. It shall be unlawful for any person to store, offer for sale, sell, or activate any explosive device without proper notification of the chiefs of the police and fire

departments and without first obtaining a city permit. The chiefs of the fire and police departments shall seize, take, remove, or cause to be removed at the expense of the owner any devices that, in their opinion, pose a hazard, or that is held in violation of the code. (Ord. #2018-06, Sept. 2018)

7-509. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroad or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for use by military organizations. (Ord. #2018-06, Sept. 2018)

7-510. Age limitations. Fireworks will not be sold to anyone under age eighteen (18). (Ord. #2018-06, Sept. 2018)

7-511. Firing fireworks. Fireworks will not be shot where they will cause a public nuisance. (Ord. #2018-06, Sept. 2018)

7-512. Application fee. An application fee is due with the submission of any application or renewal as follows:

- (1) Permanent structure: one thousand dollars (\$1,000.00);
- (2) Temporary structure: five hundred dollars: (\$500.00); and
- (3) Renewal: five hundred dollars (\$500.00) (permanent structure).

(Ord. #2018-06, Sept. 2018)

7-513. Temporary structures. Temporary structures are permissible provided they are approved by the planning commission during the application process. Temporary structures shall be defined as any structure which is designed to be easily transported or dismantled after its function has been fulfilled, and which is used for commercial purposes. The proposed location of the temporary structure shall be detailed in the site plan submitted in the application. (Ord. #2018-06, Sept. 2018)

CHAPTER 6

OPEN BURNING

SECTION

- 7-601. Open burning prohibited.
- 7-602. Burning without permit.
- 7-603. Allowed inside city limits with permit.
- 7-604. Permits.
- 7-605. Prohibited burning materials.
- 7-606. Violations and penalty.

7-601. Open burning prohibited. No person shall cause, suffer, allow, or permit open burning of any kind except as specifically permitted herein. (Ord. #2021-04, June 2021)

7-602. Burning without permit. Open burning, as described in this section, may be conducted without permits provided that no public nuisance is or will be created by such burning. Fires used for cooking food, fires for ceremonial or recreational purposes, including barbecues and outdoor fireplaces, and fires set for the training and instruction of firefighters, do not need a permit. This grant of exemption shall in no way relieve the person from the consequences, damages, or claims resulting from such burning. This exception does not relieve the person of the responsibility of using fire safe practices nor from getting a permit from any other agency that may require such. (Ord. #2021-04, June 2021)

7-603. Allowed inside city limits with permit. Open burning shall be allowed inside the corporate limits of the city when a valid permit has been obtained from the City of LaFollette Fire Department. Prior to the burning, the person requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused. The following conditions shall always be met:

- (1) Open burning shall be between the hours of 7:00 A.M. till dusk.
- (2) All fires shall be completely extinguished by dusk.
- (3) The fires may never be left unattended.
- (4) Burn piles shall be no bigger than eight by eight feet (8' x 8') and no more than four feet (4') in height.
- (5) No stumps shall be burned in the city. (Ord. #2021-04, June 2021)

7-604. Permits. To obtain a permit required by this chapter, the applicant shall call the City of LaFollette Fire Department. No fee shall be required to obtain an opening burning permit. All permits issued shall be displayed while the open burning is in progress. The fire department shall have

the authority to forbid, restrict, or suspend any and all burning when the fire chief or the senior fire officer in charge has determined that conditions are unfavorable or hazardous for outdoor fires. (Ord. #2021-04, June 2021)

7-605. Prohibited burning materials. The following items/products are strictly prohibited from burning within the City of LaFollette:

- (1) Tires and other rubber products.
- (2) Vinyl siding and vinyl shingles.
- (3) Plastics and other synthetic materials.
- (4) Paper products, cardboard and newspaper.
- (5) Asphalt shingles, and other asphalt roofing materials and demolition debris.
- (6) Asbestos-containing materials.
- (7) Paints, household and agricultural chemicals.
- (8) Aerosol cans and food cans.
- (9) Building material and construction debris.
- (10) Buildings and mobile homes.
- (11) Coated wire, copper wire and electrical wire.
- (12) Household trash.
- (13) Most vegetation not grown on site.
- (14) Also adopted and incorporated herein are all prohibited burning materials as identified in *Tennessee Code Annotated*. (Ord. #2021-04, June 2021)

7-606. Violations and penalty. Violation of this provision(s) of this section may be punishable by a civil penalty of no more than fifty dollars (\$50.00). (Ord. #2021-04, June 2021)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE.

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

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. "Beer" shall be defined pursuant to *Tennessee Code Annotated*, § 57-5-101.

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, § 39-17-701, *et seq.*

CHAPTER 2

BEER¹

SECTION

- 8-201. Sale of beer permitted only in specified zone.
- 8-202. Beer board created.
- 8-203. Beer not to contain more than eight percent alcohol.
- 8-204. Beer petition contents.
- 8-205. Permit required for engaging in beer business.
- 8-206. Permit may be suspended or revoked for cause.
- 8-207. Permit to be posted.
- 8-208. Permits not transferable.
- 8-209. Wholesalers to sell, etc. only to retailers.
- 8-210. Purchase of beer for or by minors, prohibited.
- 8-211. Operating hours of beer businesses.
- 8-212. Sale, etc. within 500' of church, etc. prohibited.
- 8-213. Privilege tax.
- 8-214. Civil penalty in lieu of suspension.
- 8-215. Inspection fee.
- 8-216. Violations and penalty.

8-201. Sale of beer permitted only in specified zone. It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer of alcoholic content of not more than eight (8%)² by weight or other beverages of a like alcoholic content within the boundaries and corporate limits of the City of LaFollette, Tennessee. The corporate boundaries of the City of LaFollette, Tennessee shall embrace the territory as established by the charter of the City of LaFollette as well as all annexations duly approved and adopted by the City of LaFollette, Tennessee. Any license duly authorized by this chapter shall be within said corporate boundaries as described above that are now zoned or may in the future be zoned for business use and the same shall be subject to all of the regulations, limitations and restrictions as hereinafter provided. (Ord. #2013-01, Feb. 2013, as amended by Ord. #2017-01, March 2017)

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).

²State law reference

Tennessee Code Annotated, § 57-5-101.

8-202. Beer board created. There is hereby created a board, which shall be known and designated as the Beer Board of the City of LaFollette, Tennessee. Such board shall be composed of the Mayor and Councilmen of the City of LaFollette, Tennessee, or a board composed of five (5) members appointed by the mayor and councilmen. One (1) of whom shall be the vice mayor as elected by the city council. The vice mayor, by virtue of the office, shall serve as the chairman of the board herein created. (2000 Code, § 8-202)

8-203. Beer not to contain more than eight percent alcohol. No person shall engage in the selling, storing for resale, distributing or manufacturing of beer of alcoholic content of not more than eight percent (8%)¹ by weight or other beverages of a like alcoholic content within the corporate limits of the City of LaFollette, Tennessee until he shall receive a permit to do so from the Beer Board of the City of LaFollette, Tennessee, which permit shall at all times be subject to all of the limitations and restrictions herein provided. (2000 Code, § 8-203, as amended by Ord. #2017-01, March 2017)

8-204. Beer petition contents. Before any permit is issued by the beer board, the applicant therefor shall file with the beer board a sworn petition in writing on forms prescribed by and furnished by the board, and shall establish the following:

- (1) That the applicant is a citizen of the United States, or if a syndicate or association, that all of the members thereof are citizens of the United States;
- (2) The location of the premises at which the business shall be conducted;
- (3) The owner or owners of such premises;
- (4) That no person will be employed in the sale, storage for resale, distribution or manufacture of such beverages except those who are citizens of the United States;
- (5) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued permits to such applicant;
- (6) That no sale of such beverages will be made except in accordance with the permit granted;
- (7) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business;
- (8) That neither the applicant nor any persons employed, or to be employed by him in such distribution or sale of such beverage, has ever been convicted of any violation of the law against prohibition, sale, manufacture or

¹State law reference

Tennessee Code Annotated, § 57-5-101.

transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years;

(9) That the applicant will conduct the business in person, for himself, or if he is acting as agent, the applicant shall state the person, firm, or corporation, syndicate, association or joint stock company or companies for whom the applicant intends to act;

(10) That said sworn petition shall be filed a minimum of fifteen (15) days prior to the meeting of the beer board at which said petition is considered. The secretary of the board shall furnish copies of said petition to all members of the board within one (1) day of the date said petition is filed; and

(11) That applicant shall pay a fee of one hundred dollars (\$100.00) with the filing of the application for a beer permit, said fee to cover the cost of investigation and processing of the application. (2000 Code, § 8-204)

8-205. 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*, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of LaFollette. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (2000 Code, § 8-205)

8-206. Permit may be suspended or revoked for cause. (1) All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

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

(3) Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the Police Department of the City of LaFollette, Tennessee. The

notice shall be served upon the permittee at least ten (10) days before the date set for the hearing. At the hearing, the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject only to review by the court as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. (2000 Code, § 8-206)

8-207. Permit to be posted. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (2000 Code, § 8-207)

8-208. Permits not transferable. Permits issued under the provisions of this chapter are not transferable, either as to location or to successor by purchase, or otherwise, of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein. (2000 Code, § 8-208)

8-209. Wholesalers to sell, etc. only to retailers. It shall be unlawful for any wholesaler, distributor or manufacturer of beer, or any of their salesmen or representatives, to sell or deliver beer en route, or from delivery vehicles, to any person other than holders of valid retail permits and it shall be the duty of such wholesaler, distributor, or manufacturer, their salesmen or representatives, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (2000 Code, § 8-209)

8-210. Purchase of beer for or by minors, prohibited. It shall be unlawful for any minor to purchase or attempt to purchase any beverage regulated hereunder and it shall be unlawful for any minor to present or offer to permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to procure such beverage. It shall also be unlawful for any person to purchase beer for a minor. (2000 Code, § 8-211)

8-211. Operating hours of beer businesses.¹ No alcoholic beverage regulated by this chapter shall be sold, given away, served, or otherwise dispensed or distributed between 12:00 A.M. and 6:00 A.M. No permit holder shall allow such beverages to be consumed, or to be opened for consumption, on or about the premises licensed hereunder in either bottle, glass, or other

¹Charter reference: § 6(22).

container, between 12:15 A.M. and 6:00 A.M. Where the sale of such beverage is the only business or the primary business of the permit holder at the licensed premises, the premises shall be vacated of all customers and guests and closed between 12:15 A.M. and 6:00 A.M. Said hours shall be applicable to business hours for Monday through Saturday. Sunday sales are permitted starting at 10:00 A.M. Sunday through 12:00 A.M. (Ord. #2010-06, Jan. 2011, modified)

8-212. Sale, etc. within 500' of church etc. prohibited. No permit for the sale, storage for resale, distribution or manufacture of beer of alcoholic content of not more than eight percent (8%)¹ by weight or other beverage of a like alcoholic content shall be issued to an applicant whose location is less than five hundred feet (500') from a church, public school, public park or regulated public playground. In determining the distance from a church or public school, the distance shall be measured from the center of the nearest permanent entrance of the church or public school building being used for religious or educational purpose, following the usual and customary path of pedestrian travel, to the center of the main entrance of the potential permittee. The distance from a public park or regulated public playground shall be measured from the nearest boundary of said park or playground to the center of the main entrance of the potential permittee. (2000 Code, § 8-213, as amended by Ord. #2017-01, March 2017)

8-213. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of two hundred fifty dollars (\$250.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 2021, and each successive January 1, to the City of LaFollette, Tennessee. At the time of new permit 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. (Ord. #2020-01, July 2020)

8-214. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) 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. 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

¹State law reference

Tennessee Code Annotated, § 57-5-101.

is paid within that time, the revocation or suspension shall be deemed withdrawn. (2000 Code, § 8-216)

8-215. Inspection fee. The City of LaFollette 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.

8-216. Violations and penalty. 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.

CHAPTER 3

WINE

SECTION

- 8-301. Certificate required; contents of application for retail food store wine licenses.
- 8-302. Appearance before council by applicant for certificate for retail food store wine license.
- 8-303. Persons ineligible for retail food store wine certificate.
- 8-304. Certification fee.
- 8-305. Inspection fee.

8-301. Certificate required; contents of application for retail food store wine licenses. (1) Before any person or business entity shall receive a retail food store wine license, the individual or business entity shall make application for and receive a certificate as required by *Tennessee Code Annotated*, § 57-3-806. The application for the certificate shall be in writing and must be filed with the alcoholic beverage inspector on a form provided by the city, giving the following information:

- (a) Name, age and address of the applicant (including the names of any person who will have an interest in the business of the applicant or in the profits thereof);
 - (b) The location of the proposed store for the sale of wine;
 - (c) The name and address of the owner;
 - (d) If the applicant is a partnership or corporation, the name, age and address of each partner or stockholder;
 - (e) A statement that no person prohibited from having any direct or indirect interest in the proposed store has such an interest; and
 - (f) A written statement or letter from the City of LaFollette Planning Commission stating the location for the business complies with all zoning laws adopted by the city, and that the zoning district provides that the sale of wine is a permitted use.
- (2) The application required in this section shall be verified by the oath of the applicant, and if the applicant is a partnership or corporation, it shall be verified by the oath of each partner or stockholder.
- (3) The applicant for a certificate for a retail food store wine license shall agree to comply with all federal and state laws and ordinances of the city and the rules and regulations of the alcoholic beverage commission.
- (4) The application must be filed not later than ten (10) days prior to the council meeting at which it is to be considered. (Ord. #2016-07, Jan. 2017)

8-302. Appearance before council by applicant for certificate for retail food store wine license. At the discretion of city council, an applicant

for a certificate for a retail food store wine license may be cited to appear in person before the council for such examination as may be desired by the council. The applicant shall furnish such relevant information as may be required. (Ord. #2016-07, Jan. 2017)

8-303. Persons ineligible for retail food store wine certificate. A certificate shall not be issued to:

(1) An applicant or applicants who, within the ten (10) years immediately preceding the date of the filing of the application, have been convicted of a felony; and

(2) A corporation, if within ten (10) years preceding the filing of the application, any of the executive officers or those in control of the corporation have been convicted of a felony. (Ord. #2016-07, Jan. 2017)

8-304. Certification fee. All applications for certificates shall be accompanied by a fee of one thousand dollars (\$1,000.00). Said fee shall be used in offsetting the expenses of investigating the applicant and verifying all zoning requirements. No portion of the fee shall be refunded to the applicant whether an application is approved or denied. Following payment of the initial fee for certification, all subsequent certificate renewals shall incur a fee of five hundred dollars (\$500.00). (Ord. #2016-07, Jan. 2017)

8-305. Inspection fee. For the purpose of providing a means of regulating wine sales within the city and to provide means for enforcing the provisions of this chapter, there is hereby levied and imposed an inspection fee of eight percent (8%) on all alcoholic beverages sold to retailers in this city. The fee shall be measured by the wholesale price of the alcoholic beverage sold by each wholesaler and shall be eight percent (8%) of such wholesale price. The fee may be added by the wholesaler to invoices for alcoholic beverages sold to licensed retailers. The fees imposed under authority of this section shall be remitted to the city, not later than the 20th day of each month, for the preceding month. (Ord. #2016-07, Jan. 2017)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. TAXICABS.
4. CARNIVALS.
5. CABLE TELEVISION.
6. WRECKER SERVICE STANDARDS MANUAL.
7. ADULT-ORIENTED ESTABLISHMENTS.
8. PAIN MANAGEMENT AND METHADONE CLINICS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
 9-102. Sale of coal.
 9-103. Skating rinks.

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. (2000 Code, § 9-101)

9-102. Sale of coal. It shall be unlawful for any person, firm, partnership, or corporation to operate a coal truck within the corporate limits of the City of LaFollette without first having the name of the firm printed in a conspicuous place on such vehicle. The driver of every vehicle hauling coal shall

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

have on his person a correct weight bill showing the exact amount of coal contained in the vehicle. (2000 Code, § 9-102)

9-103. Skating rinks. (1) It shall be unlawful for any person, firm, or corporation to maintain or operate within the corporate limits of the City of LaFollette any skating rink without first obtaining a permit from the recorder of the city.

(2) "Skating rink" shall mean any structure located within a building, tent, or pavilion where skating is permitted.

(3) It shall be unlawful for any person, firm, or corporation to maintain or operate such skating rink, or permit same to be operated or maintained, in any place other than a building.

(4) Any person, firm, or corporation making application for a permit shall give the recorder the name and address of the applicant and the place where the skating rink is to be placed, maintained, and operated; and, if the skating rink is to be operated in connection with any other business, the character of such other business.

(5) Each applicant shall pay to the city the sum of ten dollars (\$10.00) for each permit and it shall be renewed annually.

(6) The recorder shall cause to be investigated the statements as set forth in each application.

(7) The recorder may, in the exercise of his sound discretion, if he deems that the applicant for a permit is not of good moral character, deny the permit. He may likewise deny the permit if the place of business wherein the skating rink is to be operated might become a public nuisance.

(8) The recorder is hereby given the power to revoke any such permit, subject to the approval of a majority of the city council, if in his opinion it is deemed necessary for the protection of minors or any member of the public.

(9) The chief of police, with the concurrence of a majority of the city council, shall set the hours during which a skating rink shall be permitted to operate.

(10) It shall be unlawful for said skating rink to be operated in such a manner as to annoy adjoining property owners or tenants or persons on public streets by permitting obnoxious noise to emit from skates or musical devices. (2000 Code, § 9-103)

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 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. Violations 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.

Trespass by peddlers, etc.: § 11-501.

(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 Campbell 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 vendor¹" 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.

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.

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).

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor or solicitor, 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 recorder by each applicant for a permit as a peddler, transient vendor or solicitor, 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 or solicitor 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 recorder, the recorder shall submit to the chief of police a copy of the application form and the permit.

9-205. Restrictions on peddlers and solicitors. No peddler, 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.

(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, 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 recorder for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the 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 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. Violations 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 provision of this code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 3

TAXICABS¹

SECTION

- 9-301. Definitions.
- 9-302. Unlawful to operate taxicabs without certificate of public convenience and necessity.
- 9-303. Certificate of public convenience and necessity to be secured from the chief of police.
- 9-304. Liability insurance required.
- 9-305. Revocation of license; appeal.
- 9-306. Rules and regulations.
- 9-307. Fees.
- 9-308. Equipment and requirements for taxicabs.
- 9-309. Permit to drive taxicab required.
- 9-310. Duration of permits; permits to be displayed in taxicabs.
- 9-311. Revocation of drivers' permits.
- 9-312. Use of public streets, etc., restricted.

9-301. Definitions. (1) "Driver" shall be held to include every person in actual charge of the operation of a taxicab, as herein defined, whether as owner, agent, servant, or employee of the "owner" as herein defined.

(2) "Owner" when used in this chapter shall be construed to mean any person, firm, or corporation who has the control, direction, maintenance and the benefit of the collection of revenue derived from the operation of taxicabs on or over the streets or public ways of the City of LaFollette, whether as owner, licensee, bailee, or otherwise, except as "driver" as above defined.

(3) "Taxicab," as used in this chapter, shall include all highway motor vehicles operated as public carriers of passengers for hire primarily within and about the City of LaFollette. Busses operated along fixed or regular routes shall not be deemed to be taxicabs. (2000 Code, § 9-401)

9-302. Unlawful to operate taxicabs without certificate of public convenience and necessity. The operation of any taxicab over the streets and ways of the City of LaFollette shall be subject to the conditions, regulations, and restrictions hereinafter set forth, and it shall be unlawful to operate or cause to be operated in the City of LaFollette any such vehicle unless a certificate of public convenience and necessity has been issued to the owner thereof, and

¹Municipal code reference
Privilege taxes: title 5.

unless the conditions, regulations and restrictions herein prescribed are complied with.

It shall be unlawful for the city recorder to issue to any person or persons, firm, or corporation, a license to operate a taxicab as herein defined except upon delivery to him of a certificate of public convenience and necessity issued by the chief of police. (2000 Code, § 9-402)

9-303. Certificate of public convenience and necessity to be secured from the chief of police. No person or persons, firm, or corporation shall hereafter operate a taxicab in the City of LaFollette without having first applied for and received from the chief of police a permit therefor. The permit shall be in the form of a certificate of public necessity and convenience and shall be granted only upon the following conditions and circumstances:

(1) That the necessity and convenience of the public welfare shall require it;

(2) That the ownership of each vehicle is reliably established by the applicant; and

(3) That the applicant sets forth his name and address, the trade name under which the applicant does or proposes to do business, the class, seating capacity, design, color, model, and motor number of each vehicle and whether the applicant has been convicted for the violation of any state or municipal law and any other information required by the chief of police. (2000 Code, § 9-403)

9-304. Liability insurance required. No certificate of public necessity and convenience 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 (1) person, twenty thousand dollars (\$20,000.00) for bodily injuries or death to more than one (1) 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 five (5) days' written notice is given by the insurer to both the insured and the chief of police of the city. (2000 Code, § 9-404)

9-305. Revocation of license; appeal. The chief of police shall have power to revoke any certificate of public convenience and necessity, after hearing upon ten (10) days' notice to the holder of the certificate and opportunity being given such holder to be heard, when it has been proved that such certificate holder has discontinued operation or has violated or refused or neglected to observe any of the proper orders, rules or regulations of the chief of police, or has willfully and persistently violated any ordinance of the City of LaFollette or law of the State of Tennessee, relative to the operation of said vehicle. The holder shall have a right to appeal from the ruling of the chief of

police revoking his permit to the city council. The city council shall hold a public hearing and either reinstate the revoked license or sustain the decision of the chief of police. In all such cases, the decision of the city council shall be final. In event of cancellation of the insurance provided for in § 9-304 and the failure of the assured to provide another policy with like coverage, then the license for the taxicab affected shall be *ipso facto* revoked as of the day the insurance ceases to be in effect. (2000 Code, § 9-405)

9-306. Rules and regulations. The chief of police is authorized and directed to make and enforce such additional rules and regulations not in conflict with the provisions of this chapter as he may deem proper to regulate the operation of motor vehicles transporting persons for compensation. However, no regulation shall be made or enforced which is in conflict with this or any other city ordinance. (2000 Code, § 9-406)

9-307. Fees. When a certificate of public convenience and necessity is issued hereunder, a nonrefundable fee of two hundred fifty dollars (\$250.00) for each new company requesting said certificate shall be paid to the City of LaFollette prior to the issuance of such certificate. When a renewal certificate of public convenience and necessity is issued hereunder, a non-refundable fee of fifty dollars (\$50.00) for each new company requesting said certificate shall be paid to the City of LaFollette prior to the issuance of such certificate. (Ord. #2018-4, May 2018)

9-308. Equipment and requirements for taxicabs. Every taxicab operating on the streets, alleys, and public ways of the City of LaFollette shall at all times be equipped with: a power plant adequate to propel same when loaded over smooth, level pavements at a rate of speed allowed by the ordinances of the City of LaFollette; a muffler; service and emergency brakes; warning devices; lights and rear vision mirror; door opening devices attached to each door of the passenger compartment so that such door may be opened by the passenger from inside the cab without the intervention or assistance of the driver; and such other equipment not herein specifically mentioned but required by state law.

Every taxicab operated in the City of LaFollette shall be kept clean and sanitary and shall be swept and dusted at least once each day. (2000 Code, § 9-408)

9-309. Permit to drive taxicab required. (1) It shall be unlawful for any person to act as a "driver" of a taxicab as herein defined or be in charge of such taxicab without having received a permit therefor issued by the Chief of Police of the City of LaFollette. Applicants may obtain an application from the city and it is the responsibility of the applicant to ensure the completeness of said application.

(2) Such permits shall be applied for in writing and issued only after completion of the following.

(a) Payment to the city of any requisite fees.

(b) That the applicant has a business license issued by the City of LaFollette.

(c) Letter from the Codes Enforcement Office of the City of LaFollette that the location of the applicant does not violate existing zoning laws of said city. The City of LaFollette Police Department may waive this requirement to any certificate holders in place prior to the enactment of this amendment.

(d) Copy of each vehicle registration used by the applicant.

(e) Copy of current insurance policy with each vehicle listed and/or identified on said policy. Said insurance policy must show the name of the applicant as an insured on said policy.

(f) Applicant must provide a copy of its receipt form as provided to its customers.

The LaFollette Police Department has a period of thirty (30) days to review the application and approve or deny. Upon the approval of any permit/certificate issued herein, applicant agrees to make available all vehicles used in furtherance of applicant's business to the City of LaFollette Police Department for inspection by said police department. (Ord. #2018-04, May 2018)

9-310. Duration of permits; permits to be displayed in taxicabs.

Each driver's permit shall expire one (1) year from the date of issue. It shall be kept conspicuously displayed in the taxicab operated by the driver at all times. (2000 Code, § 9-410)

9-311. Revocation of drivers' permits.

Any driver's permit granted under the terms hereof may be revoked by the chief of police (after notice to the permittee in writing citing him to appear before the chief of police to show cause why his permit should not be revoked) on a showing that said permittee has violated any of the provisions of this chapter; that his chauffeur's license has been revoked by the state or has expired and not been renewed or reissued; or that he has wilfully and/or persistently violated any of the provisions or ordinances of the City of LaFollette; or that he is unfit physically or morally to operate a taxicab. Any person dissatisfied with the decision of the chief of police shall have the right to appeal to the city council whose decision shall be final. (2000 Code, § 9-411)

9-312. Use of public streets, etc., restricted.

It is the intent and purpose of this section to require all taxicab owners as herein defined to establish taxi stands and parking grounds for taxi stands off the public streets and alleys of the City of LaFollette, Tennessee.

It shall be unlawful for any taxicab owner or driver to operate any automobile or station wagon for hire within the corporate limits of the city unless he has a taxi stand or parking ground off the public streets and alleys of the city for the regular use of the vehicle.

It shall be unlawful for any taxicab owner or driver to use any part of the public streets or alleys of the city as a taxicab stand for the purpose of parking there to await being hired, or to park there to await a call, or for any other purpose except to discharge passengers, or to wait momentarily for the return of a passenger who has the services of the taxicab engaged.

It shall be unlawful for any taxicab owner to install or maintain a telephone on or over any public sidewalk, street, or alley within the corporate limits for use in connection with his business.

It shall also be unlawful for any person, firm, or corporation engaged in the telephone business to install or maintain, for use in the taxicab business, any telephone on or over any public street, sidewalk, or alley of the city. (2000 Code, § 9-413)

CHAPTER 4

CARNIVALS

SECTION

9-401. Guidelines and regulations.

9-402. Applications; approval or rejection by city.

9-403. Fee waiver for charitable entity.

9-401. Guidelines and regulations. Any and all carnivals desiring to operate within the city limits of the City of LaFollette, shall meet the following guidelines and regulations.

(1) Application for permit shall be made fifteen (15) days in advance of set-up operations.

(2) Submitted with application will be a non-refundable cashier check for five hundred dollars (\$500.00) to cover application fees.

(3) Carnival owner/operator shall provide the name of a local business or organization who will act as a sponsor.

(4) Carnival shall make adequate restroom and refuse collection facilities available.

(5) Carnival shall be responsible for carnival site being left in a clean, sanitary condition on departure.

(6) Carnival owner/operators shall submit with the application a list of all employees and their Social Security numbers.

(7) Carnival owner/operators shall submit with the application a list of all contractor vendors and concession operators and their Social Security numbers.

(8) As practical as possible a background of the business check will be completed prior to opening or carnival. (2000 Code, § 9-601)

9-402. Applications; approval or rejection by city. The City of LaFollette reserves the right to approve or reject any and all applications for permit based on failure to meet any of the above requirements and for any other reason deemed not to be in the best interests of the City of LaFollette. All approved applications for permits shall be good for a period not to exceed ten (10) days. Re-applications made shall be made at the end of ten (10) days with all rules and regulations to be met, excluding the fifteen (15) day advance application time period in § 9-601(1). (2000 Code, § 9-602)

9-403. Fee waiver for charitable entity. The application fee as set forth in 9-601(2) shall be waived for all entities that are recognized as 501(c)(3), 501(c)(4) or 501(c)(6) status by the United States Treasury/Internal Revenue Service. (Ord. #2015-06, Sept. 2015)

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television shall be furnished to the City of LaFollette and its inhabitants under franchise granted by the board of mayor and aldermen of the City of LaFollette, Tennessee. The rights, powers, duties and obligations of the City of LaFollette and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see ordinance no. _____ dated _____ in the office of the recorder.

CHAPTER 6

WRECKER SERVICE STANDARDS MANUAL

SECTION

- 9-601. Purpose of regulations.
- 9-602. Declaration of policy.
- 9-603. Recovery, towing, and storage standards.
- 9-604. Application procedures for inclusion on the LaFollette Police Department call list.
- 9-605. Establishment of class system and criteria for each class.
- 9-606. Equipment.
- 9-607. Insurance.
- 9-608. Storage facilities.
- 9-609. Annual inspections.
- 9-610. Call and notification procedures.
- 9-611. Service procedures and zone assignments.
- 9-612. Tow and storage rate.
- 9-613. Complaints.

9-601. Purpose of regulations. To establish policy, procedures and regulations for members of the LaFollette Police Department and towing firms concerning wrecker service standards and to further ensure the safe and efficient removal, storage and safekeeping of any and all vehicles being towed and placed into the custody of such wrecker service. (2000 Code, § 9-801)

9-602. Declaration of policy. It is the policy of the LaFollette Police Department to establish standards and utilize only those wrecker companies whose equipment, drivers, procedures and services conform to the following rules and regulations. The LaFollette City Council shall be the final authority in all policies, procedures, and regulations governed by this *Wrecker Service Standards Manual*.

It shall further be the policy of this department to allow any one (1) interested towing corporation, firm, or business an opportunity to submit an application for inclusion on the LaFollette Police Department rotation call list. It should be fully understood by any and all interested parties that inclusion on the department's call list will be strictly governed by the provisions contained in this *Wrecker Service Standards Manual*. Corporations or firms which find these provisions too stringent may choose not to participate. Nothing in this manual shall be construed as coercion to any business as to whether they choose to participate. (2000 Code, § 9-802)

9-603. Recovery, towing, and storage standards. There are many instances in the City of LaFollette involving motor vehicles where the owner or

driver is either incapacitated, unavailable, or unable to make a decision about where their vehicle is to be towed or stored. These instances include, but are not limited to: motor vehicle accidents, abandoned vehicles, incarceration, and disabled motorist unfamiliar with the area.

In all of these cases the motorist have the right to expect the LaFollette Police Department to call a reputable and reliable towing company which possesses adequate equipment and qualified drivers to perform the necessary task. The public also expects the towing company that is called to be financially responsible for any damage which might occur during or after towing, as well as paying a reasonable rate for the services performed by the towing company. It is for these reasons that the LaFollette Police Department has a rotating scheduled wrecker list. The scheduled wrecker is used only in cases where the vehicle owner, driver does not have a specific request.

In all other instances, the owner's request will be honored, when the arrival of such requested wrecker does not exceed a reasonable amount of time and when the vehicle does not present an immediate traffic hazard. Wrecker's which are not on the LaFollette Police Department call list and requested by owner/operator do not have to conform to the provisions of this manual.

The rules and regulations contained herein provide guidance to those operators of towing companies who are, or wish to be, included on the LaFollette Police Department Rotating Schedule Wrecker List, and who are called upon to respond by officers in the performance of their official duties.

The LaFollette Police Department has established these requirements in an effort to ensure that all services, provided by towing companies, requested by this department, are governed by the same standard without partiality. (2000 Code, § 9-803)

9-604. Application procedures for inclusion on the LaFollette Police Department call list. (1) Wrecker companies carried on the LaFollette Police Department Rotation Call List must have a City of LaFollette business license, and their storage lot must be located within the city limits of LaFollette.

(2) Wrecker companies carried on the call list must have the required minimum insurance standards and meet other revisions disclosed in this manual.

(3) Any wrecker company which wishes to be included on the LaFollette Police Department call list and has a towing vehicle(s) and driver(s) which meet the standards and criteria set forth in this manual, may submit a request to the chief of police for consideration.

(4) Wrecker company drivers must possess a valid driver license. A commercial driver license will be required when cooperation a class vehicle which requires such (i.e., vehicle with GVWR in excess of twenty-six thousand (26,000) pounds). All wrecker companies and their drivers must meet all Tennessee state and federal requirements.

(5) Wrecker company owners, or drivers will not be allowed to participate on the LaFollette Police Department call list, if they have been convicted of a felony. (2000 Code, § 9-804)

9-605. Establishment of class system and criteria for each class.

(1) Four (4) distinct wrecker classes have been established and the following criteria must be met for each class for inclusion on the LaFollette Police Department call list.

(2) Class A: For towing passenger cars, pickup trucks, small trailers, etc. This classification also include "wheel lift" type vehicle transporters.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of one (1) ton (ten thousand (10,000) pounds GVWR);

(b) Individual boom capacity of not less than four (4) tons;

(c) Two (2) individual power winches each with a pulling capacity of not less than four (4) tons;

(d) A minimum of one hundred feet (100') of three-eighths inch (3/8"), or larger, cable on each drum;

(e) Wheel lift capable of picking up a passenger car or pickup truck;

(f) Belt type cable tow plate or tow sling to pick up vehicles: cradle or tow plate to be equipped with safety chain;

(g) Dollies; and

(h) Wheel lift: wreckers possessing equipment capable of lifting the vehicle by the wheels only, with nothing touching the vehicle body;

(i) Wheel lift wreckers shall meet all Class A requirements, excluding the belt type cradle tow plate or tow sling.

(ii) Safety restraint straps (nylon straps with ratchets or the equivalent), shall be provided to secure the towed vehicle tires into the wheel lift forks.

(3) Class B: For towing medium size trucks, trailers, etc.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of one and one-half (1 1/2) tons (eighteen thousand (18,000) GVWR).

(b) Boom specifications:

(i) Double boom so constructed as a permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than (8) tons; or

(ii) Single boom with no less than a sixteen (16) capacity and power winch pulling capacity of no less than sixteen (16) tons;

(c) Two hundred feet (200'), or more of seven-sixteenths inch (7/16"), or larger, cable on each drum; and

(d) Cradle tow plate or tow sling to pick up vehicle; cradle of tow plate to be equipped with safety chain.

(4) Class C: For towing large truck, road tractors and trailers.

- (a) The tow truck chassis shall have a minimum manufacturer's capacity of not less than three (3) tons (30,000 GVWR);
 - (b) Boom specifications:
 - (i) Double boom so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than twelve and one-half (12 1/2) tons; or
 - (ii) Single boom with no less than a twenty-five (25) ton capacity and a power winch pulling capacity of no less than twenty-five (25) tons;
 - (c) Two hundred feet (200') or more of nine-sixteenths inch (9/16"), or larger, cable on each drum; and
 - (d) Airbrakes so constructed as to lock wheels automatically upon failure.
- (5) Class D: Vehicle transporters designed to tow or carry passenger cars, pickup trucks, small trailer, etc. This classification includes "car carriers" or "rollback" type vehicle transporters.
- (a) Car carrier vehicle transporters;
 - (i) The truck chassis shall have minimum manufacturer's capacity of one (1) ton (ten thousand (10,000) pounds. GVWR);
 - (ii) Lift cylinders:
 - (A) Two (2) with a minimum three-inch (3") bore each; and
 - (B) One (1) with a minimum five and one-half inch (5 1/2") bore.
 - (iii) Individual power winch pulling capacity of not less than four (4) tons;
 - (iv) Fifty feet (50') or more of five-sixteenths inch (5/16") or larger cable on winch drum;
 - (v) Two (2) safety chains for securing vehicle to carrier bed;
 - (vi) Carrier bed shall be a minimum of sixteen feet (16') in length and a minimum of eighty-four inches (84") in width inside of side rails; and
 - (vii) Cab protector, constructed of solid steel or aluminum, that extends to a height of four feet (4') above the floor or to a height at which it blocks the forward movement of the bumper of the vehicle being towed. (2000 Code, § 9-805)

9-606. Equipment. (1) Wrecker companies shall be responsible for carrying the equipment necessary for removal of glass and other debris from

highways following each accident. The wrecker operator is responsible for utilizing the equipment for such removals.¹

(2) Emergency equipment:

(a) At least one (1) functional, amber-colored, rotor beam or strobe type light shall be permanently mounted on the top of the wrecker. No other color will be approved by the department. All emergency flashers and directional lights showing to the front must be amber in color.

(b) Amber lights shall be fully activated when the wrecker operator feels the wrecker poses a hazard to the traffic.

(c) Sirens on wrecker or service trucks are prohibited.

(3) Additional equipment required:

(a) At least one (1) heavy-duty broom;

(b) Flood lights mounted at a height sufficient to illuminate the scene at night;

(c) One (1) shovel;

(d) One (1) axe;

(e) One (1) pinchbar, prybar, or crowbar;

(f) One (1) set of bolt cutters;

(g) Minimum of one (1) fully charged, twenty (20) pound fire extinguisher having an Underwriters Laboratory rating of four (4) A:B:C: or more. The fire extinguisher must be securely mounted on the vehicle;

(h) Fluid absorption compound; and

(i) At least three (3) flares or three (3) red emergency reflector.

(4) The appearance of wreckers shall be reasonably good with equipment painted.

(5) All tow trucks shall display the company's name and address. Such information shall be painted on, or permanently affixed, to both sides. All lettering shall be at least three inches (3") high. Magnetic signs will not be permitted. (2000 Code, § 9-806)

9-607. Insurance. (1) Each towing company assumes the liability for personal injury or property damage resulting from an employee's intentional or negligent act(s) from the time contact is made with any vehicle to be towed. Each towing company assumes full liability for all items of value in the vehicle.

(2) Each towing company shall maintain the following policies in insurance according to the minimum limits set forth in this section. Each policy shall be in the name of the towing company, or its owner, and shall include coverage for towing and storage. It is not the intent of the department to limit the towing company to the type and amount of insurance required herein.

¹State law reference

Tennessee Code Annotated, § 55-8-180.

(a) Any wrecker service utilized by the LaFollette Police Department shall be properly licensed and insured.

(b) All wrecker and storage facilities shall be inspected by the LaFollette Police Department and a certificate of insurance filed before being placed on the LaFollette Police Department call list.

(c) Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the wrecker company.

(d) Liability coverage must be equal to the minimum amounts specified in this manual. Insurance coverage may be provided in a single policy or separate split policies. Regardless of the type of policy or policies, the total amount of coverage of policy or policies, the total amount of coverage must equal those amounts listed below, per accident.

(i) Minimum vehicle liability amounts:

(A) Class A and D	\$300,000.00
(B) Class B	\$500,000.00
(C) Class C	\$750,000.00

(ii) Minimum garage keepers liability policy for \$25,000 to cover loss by fire, theft, etc.

(iii) Minimum "on-hook" coverage:

(A) Class A and D	\$25,000.00
(B) Class B	\$65,000.00
(C) Class C	\$100,000.00

(iv) Wrecker companies "on-hook" coverage may be included in the garage keepers liability policy. It may also be provided as a separate policy, dependent upon the underwriter. In any event, both garage keeper's liability and "on-hook" insurance coverage must be carried by the company. The minimum rates established by this manual are in no way intended to limit the amount of coverage deemed appropriate by owners.

(e) Wrecker service operators shall have insurance agents submit an insurance certificate to the designated representative of the LaFollette Police Department.

(3) Insurance renewal:

(a) Certificate of insurance must be submitted to the designated representative of the LaFollette Police Department ten (10) days prior to the renewal date.

(b) Insurance carriers shall notify the designated representative of the LaFollette Police Department immediately if a policy is canceled.

(c) The owner of the wrecker company shall make written notification of any changes in insurance coverage (i.e., changing companies, vehicles, etc.), to the designated representative of the LaFollette Police Department within ten (10) days prior to the change.

(4) Violation of any of the above insurance requirements or regulations shall be cause for suspension or removal from the LaFollette Police Department call list. (2000 Code, § 9-807)

9-608. Storage facilities. (1) Wrecker services must be equipped to provide a fenced lot or building for proper, safe, and secure storage.

(a) The storage facility must be located in close proximity to the wrecker service.

(b) The wrecker service shall be responsible for storing, safekeeping, and preventing vandalism of all vehicles and contents towed for the LaFollette Police Department.

(c) The storage facility shall be staffed, or available for access during normal business hours, Monday through Friday, excluding legal holidays.

(d) When a hold order is placed on a vehicle by a commissioned officer of the LaFollette Police Department for the furtherance of an investigation, the vehicle shall be placed in an area that is not accessible to the general public, in an effort to preserve evidence, until such time that all evidence has been recorded, or retrieved, and the hold on the vehicle is released.

(2) The chief of police will be notified of all vehicles which are towed at the request of the department and have been held over fifteen (15) days.

(3) Violation of any of the above requirements or regulations shall be cause for suspension or removal from the LaFollette Police Department call list. (2000 Code, § 9-808)

9-609. Annual inspections. (1) The chief of police shall ensure that all wrecker and storage facilities are physically inspected each year. The time of the annual inspection will be established by the chief of police and such inspection will remain valid, but not to exceed, a twelve (12) month period. This does not mean that a re-inspection could not be performed at anytime during this twelve (12) month period should circumstances warrant. This inspection shall include the checking of equipment, driver files, insurance, tow and storage rates and other records necessary to ensure that all requirements of this manual are being met.

(a) Current tow and storage rates shall be posted in a conspicuous place at the wrecker company and a copy filed with the chief of police.

(b) A designated representative of the LaFollette Police Department may inspect wrecker companies at any time during normal business hours.

(2) Provisions of this section shall not apply to wreckers which are requested by owner/operator and not on the LaFollette Police Department call list. (2000 Code, § 9-809)

9-610. Call and notification procedures. (1) When a member of the LaFollette Police Department is dispatched to an accident, motorist assist, or any other request for assistance, the investigating officer, after determining the need, shall contact the dispatcher. The dispatcher will notify the next scheduled wrecker to respond, provided that the affected parties have not already made contact with a wrecker company of their choice. No wrecker shall remove a wrecked vehicle from the scene without it being investigated by a law enforcement agency.

(a) Calls made to a wrecker company directly from an investigation officer are not acceptable. Requests must be made by a LaFollette Police Department dispatcher.

(b) Officers are not permitted to directly contact wrecker companies by cellular phone in patrol units.

(2) Wreckers shall be available for immediate response twenty-four (24) hours a day.

(a) They must respond in a reasonable length of time, as determined by the requesting officer, or the next scheduled wrecker will be called and the first one will have lost its turn. Continual slow responses shall be noted and addressed by the designated representative of the LaFollette Police Department.

(b) The responding wrecker(s) must be one displaying the company's name as called by the LaFollette Police Department dispatcher.

(c) Wrecker companies cannot refer a call to another wrecker company or substitute another company's wrecker to avoid losing a turn on the LaFollette Police Department call list.

(d) Operators refusing a call, or failing to respond promptly to a call, may be removed from the call list.

(e) Wrecker companies are restricted to a maximum of two (2) telephone numbers on the LaFollette Police Department call list. "Call waiting" and "call forwarding" are recommended; pagers and beepers are not allowed.

(f) Wrecker operators who fail to answer a call will lose the call. If two (2) consecutive calls are missed on the rotation list, an investigation will be made by the LaFollette Police Department.

(3) If wrecker operators desire to be off-duty for any length of time, they shall inform the LaFollette Police Department dispatcher to avoid losing their turn on the call list. Upon returning, the wrecker operator will be placed back on the rotating list.

(4) Only one (1) wrecker company will be called to any one vehicle accident. If additional equipment or recovery vehicle are needed to adequately complete a tow (i.e., tractor-trailer roll over or difficult auto recovery), the severity of the situation and the estimated response time of additional

equipment will be weighted by the officer at the scene, who will be the deciding authority.

(5) When multiple cars are involved and multiple wreckers are called:

(a) The first wrecker arriving at the scene will tow the car causing the greater traffic hazard, which will be determined by the member of the LaFollette Police Department;

(b) If a requested wrecker arrives first, the wrecker will help remove vehicles causing traffic hazard from roadway, then pick up the requested tow;

(c) In the event of an extreme emergency, the investigation officer may request the nearest available scheduled wrecker, or dispatch any class wrecker from the nearest location to expeditiously remove effected vehicles. Should this occur, members will make thorough notations for courses of action taken on the tow in report and inform the dispatcher.

(6) When a wrecker company receives a call for a Class "C" wrecker, it will not effect the wrecker company's status on either the "A," "B," or "D" class lists.

(7) All wreckers shall be prohibited from "chasing" or "running wrecks or break-downs," without a bona fide call from the LaFollette Police Department dispatcher or request from the owner.

(8) Wrecker companies are expressly prohibited from calling LaFollette Police Department dispatcher to determine their place on the call list. Concerns of position or placement on the call list will be addressed by the designated representative of the LaFollette Police Department.

(9) If a wrecker service is at the scene of an accident when the officer arrives without being called by the LaFollette Police Department or person(s) involved, the wrecker service will be sent back by the officer and lose its turn on the LaFollette Police Department call list. (2000 Code, § 9-810)

9-611. Service procedures and zone assignments. (1) Wrecker companies will be listed only once on each LaFollette Police Department call list and only in name under which they are qualified in the conduction of business in this state. The facilities and equipment must meet the standards previously stated in this manual. It is prohibited for a wrecker service operator, conducting business at one (1) location, to receive multiple listings or classification by utilizing a different or fictitious name for trucks operating out of the same location, or out of different locations within the same zone. When two (2) or more corporations are owned by the same individual(s), partnership, or parent corporation, each may have a separate listing only if each towing service has a distinctively separate storage facility and different corporate officers. It is prohibited for two (2) or more wrecker service operators, owned in whole or in part by the same individual, partnership, or parent corporation, to be qualified to operate in the same zone.

(2) All wrecker company operators are expected to be familiar with and comply with all applicable federal regulations and traffic laws of the State of Tennessee.

(3) Wrecker companies shall abide by all rules and regulations as established in this manual.

(4) Wrecker company operators shall not perform repair work on towed vehicles without the owner's written consent.

(5) Wrecker company operators shall transport a vehicle to any location requested by the owner/operator after financial obligations have been finalized.

(6) Personal property contained in a towed vehicle must be released to owners upon their request, unless an investigation officer orders otherwise.

(7) Soliciting at the accident scene is prohibited by the owner, operator, or representative of any wrecker company.

(8) In the event that a vehicle is to be held to retrieve evidence (i.e., felony investigation) a hold order may be placed on a vehicle and such order will be honored by the wrecker company.

(9) When no hold order is placed, the vehicle shall be released to the owner, upon proof of ownership and when the necessary financial transactions between vehicle owner and wrecker service are completed.

(10) Violation of any of the above requirements, shall be cause for suspension or removal from the LaFollette Police Department call list, after investigation is made by this department. (2000 Code, § 9-811)

9-612. Tow and storage rate. (1) The LaFollette Police Department shall not establish tow and storage rates. However, rates should be consistent with those of competitors in the same geographical area and be fair and equitable to all affected parties.

(2) Rate guidelines:

(a) Current tow and storage rates for all classes shall be posted in a conspicuous place at the tow service and filed with the LaFollette Police Department.

(b) A wrecker operator who uses a Class "B" or Class "C" wrecker to tow a vehicle in a lower classification must charge towing rates equitable to other wreckers towing in that classification.

(c) The vehicle owner/operator shall be responsible for payment of towing and related services prior to delivery or release of the vehicle by the towing company.

(d) The chief of police shall remove from the LaFollette Police Department call list any wrecker company whose tow rates are found to be excessive as a result of an investigation, and do not reflect charges assessed by other wrecker firms for similar services in the same geographical area. (2000 Code, § 9-812)

9-613. Complaints. (1) If the owner of a vehicle believes that the vehicle was towed and/or charged unjustly, a complaint may be filed with the designated representative of the LaFollette Police Department.

(a) The designated representative of the LaFollette Police Department shall contact the wrecker service involved and conduct an investigation. The designated representative of the LaFollette Police Department shall forward the complaint with his recommendation to the chief of police.

(b) The chief of police will review all correspondence and render a decision.

(c) Any valid complaint will result in suspension from the LaFollette Police Department call list of towing privileges for a period determined by the chief of police. Should this occur, the wrecker service will be notified, in writing, by the chief of police.

(2) Should any wrecker service desire a review of a decision, they shall contact the chief of police.

(a) The chief of police may, at his discretion, schedule a meeting to discuss the concerns of the wrecker service and present an explanation of reasons for the recommended action.

(b) Should the chief of police decision not be agreeable to the wrecker service, they may request that the LaFollette City Council review the case. They will review all relative information and advise the wrecker service of the department's decision.

(3) This policy should not be construed in any way to conflict with state law. (2000 Code, § 9-813)

CHAPTER 7

ADULT-ORIENTED ESTABLISHMENTS

SECTION

- 9-701. Purpose.
- 9-702. Definitions.
- 9-703. License required.
- 9-704. Application for license.
- 9-705. Standards for issuance of license.
- 9-706. Permit required.
- 9-707. Application for permit.
- 9-708. Standards for issuance of permit.
- 9-709. Fees.
- 9-710. Display of license or permit.
- 9-711. Renewal of license or permit.
- 9-712. Revocation of license or permit.
- 9-713. Hours of operation.
- 9-714. Responsibilities of the operator.
- 9-715. Prohibitions and unlawful sexual acts.
- 9-716. Violations and penalty.

9-701. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. It is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

9-702. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for

a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment having as a substantial portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

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

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

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering.

Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board of Mayor and Aldermen" means the Board of Mayor and Aldermen of the City of LaFollette, Tennessee.

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

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:

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

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

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(I) Human genitals, pubic region;

(ii) Buttocks;

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

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

9-703. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of LaFollette without first obtaining a license to operate issued by the City of LaFollette.

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

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

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

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with.

9-704. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the City of LaFollette. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the recorder and to the applicant.

(2) The application for a license shall be upon a form provided by the police chief. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.

(b) Written proof that the individual(s) is at least eighteen (18) years of age.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) The applicants' height, weight, color of eyes and hair.

(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of each applicant.

(i) The address of the adult-oriented establishment to be operated by the applicant(s).

(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(l) The length of time each applicant has been a resident of the City of LaFollette, or its environs, immediately preceding the date of the application.

(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.

(p) Evidence in form deemed sufficient to the city manager that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the LaFollette Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the board of mayor and aldermen.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is

denied by the board of mayor and aldermen and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Campbell County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief.

9-705. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 9-703 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under § 9-703 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any

crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the LaFollette Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application.

9-706. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief.

9-707. Application for permit. (1) Any person desiring to secure an permit as an employee or entertainer shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

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

(a) Name and address, including all aliases.

(b) Written proof that the individual is at least eighteen (18) years of age.

(c) All residential addresses of the applicant for the past three (3) years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefor, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant.

(i) The length of time the applicant has been a resident of the City of LaFollette, or its environs, immediately preceding the date of the application.

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

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

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

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief.

9-708. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

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

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the LaFollette Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application.

9-709. Fees. (1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned.

9-710. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the LaFollette Police Department, or any person designated by the board of mayor and aldermen.

9-711. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(2) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

(3) If the LaFollette Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the

city recorder and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half (1/2) of the fee shall be returned.

(6) If the LaFollette Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief.

9-712. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

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

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

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

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

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

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

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

(i) Any operator allows continuing violations of the rules and regulations of the Campbell County Health Department.

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

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the board of mayor and aldermen, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

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

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license.

9-713. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Monday through Saturday, and between the hours of 1:00 A.M. and 12:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the LaFollette Police Department, the Campbell County Sheriff's Department, or such other persons as the board of mayor and aldermen may designate.

9-714. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and aldermen. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the LaFollette Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if

such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

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

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the LaFollette Police Department at all reasonable times.

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

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

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

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

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

This Adult-Oriented Establishment is Regulated by the City of LaFollette Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

9-715. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

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

(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals.

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

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

9-716. Violations and penalty. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

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

CHAPTER 8

PAIN MANAGEMENT AND METHADONE CLINICS

SECTION

- 9-801. Definitions.
- 9-802. License required.
- 9-803. Application for license.
- 9-804. Standards for issuance of license.
- 9-805. Permit required.
- 9-806. Fees.
- 9-807. Display of certification, license and permit.
- 9-808. Renewal of license or permit.
- 9-809. Revocation of license or permit.
- 9-810. Inspections.
- 9-811. Violations and penalty.

9-801. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context.

(1) "Applicant." Owner of clinic who has submitted or is in the process of submitting an application.

(2) "Methadone treatment clinic or facility" means a licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the LaFollette Zoning Ordinance.

(3) "Pain management clinic" means a privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain clinic does not include a hospital, medical or dental school, nursing school, physician assistant program, outpatient clinic or hospital or clinic operated by the federal government. (Ord. #2012-02, May 2012)

9-802. License required. From and after the effective date of this chapter, no methadone clinic or pain management clinic shall be operated or maintained in the City of LaFollette without first obtaining a license to operate issued by the City of LaFollette.

(1) A license may be issued for one (1) methadone or pain management clinic located at a fixed and certain place.

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

(3) All existing methadone or pain management clinics at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing methadone or pain management clinic shall cease operations.

(4) No license may be issued for any location unless the premises are lawfully zoned for methadone or pain management clinics and unless all requirements of the zoning ordinance are complied with. (Ord. #2012-02, May 2012)

9-803. Application for license. (1) Any person, partnership, or corporation desiring a license shall make application to the Police Chief of the City of LaFollette. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(2) The application for a license shall be upon a form provided by the police chief. The application shall include the following information under oath:

- (a) Name and addresses;
- (b) Valid unrestricted license to operate such clinic;
- (c) All residential addresses of the applicant(s) for the past three (3) years;
- (d) Demonstrate that all applicable state requirements are met;
- (e) A completed questionnaire that addresses the services offered, evaluation methods, treatment methods, the business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application, patient billing procedures, types of controlled substances that will be dispensed and standards implemented to ensure patient quality care;
- (f) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application;
- (g) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them; and
- (h) When applicable, proof for a dispenser of controlled substances that compliance with the Tennessee Controlled Substance Database has been met.

(3) Within ten (10) days of receiving the results of the investigation conducted by the LaFollette Police Department, the police chief shall notify the applicant that his application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant.

Upon conclusion of such additional investigation, the police chief shall make a formal recommendation to the City of LaFollette Council for the granting of a permit or denial of the permit.

The City of LaFollette Council shall then consider the application at their regular meeting and make a decision on the application.

Following this decision, the police chief shall advise the applicant in writing whether the application was granted or denied and the basis for the decision.

All licenses shall former be held pending review/action of the board of zoning appeals.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or refusal to submit required information, shall be grounds for denial thereof by the police chief. (Ord. #2012-02, May 2012)

9-804. Standards for issuance of license. To receive a license to operate a methadone or pain management clinic, an applicant must meet all state licensing and certification requirements pertaining to such clinic. (Ord. #2012-02, May 2012)

9-805. Permit required. In addition to the license requirements previously set forth for owners and operators of such clinics, no clinic shall begin operations without first obtaining a valid permit issued by the building inspector. (Ord. #2012-02, May 2012)

9-806. Fees. The following fees shall apply to all methadone and pain management clinics within the corporate limits.

(1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned. (Ord. #2012-02, May 2012)

9-807. Display of certification, license and permit. All applicable state certifications, medical licenses, city license and city permit shall be displayed in a conspicuous public place in the clinic. (Ord. #2012-02, May 2012)

9-808. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from

date of issuance, unless revoked before such time, and must be renewed before operation is allowed in the following year.

(2) Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(3) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned. (Ord. #2012-02, May 2012)

9-809. Revocation of license or permit. The City of LaFollette Council shall revoke a license or permit for any of the following reasons:

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

(2) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter;

(3) The owner and/or operator becomes ineligible to obtain the required license from the applicable board;

(4) Applicable state certification is denied or revoked; and/or

(5) Any cost or fee required to be paid by this chapter is not paid. (Ord. #2012-02, May 2012)

9-810. Inspections. (1) Any law enforcement or code enforcement officer is authorized access to inspect any facility registered under this chapter for proof of registration, at any reasonable hour, without notice.

(2) Nothing in this chapter shall be read to limit the authority of law enforcement in any matter as it relates to their authority to conduct criminal investigations. (Ord. #2012-02, May 2012)

9-811. Violations and penalty. (1) Any person, partnership, corporation, or other business entity that is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

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

considered a separate offense for each hour of violation. (Ord. #2012-02, May 2012)

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.
3. PIT BULL DOGS.

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

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

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (2000 Code, § 10-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand feet (1,000') of any residence, place of business, or public street. (Ord. #2014-03, Nov. 2014)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (2000 Code, § 10-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of

¹Wherever this title mentions dogs it pertains to dog and cats.

its health, safe condition, and wholesomeness for food if so intended. (2000 Code, § 10-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (2000 Code, § 10-105)

10-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the city council. If the owner is known, he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address, and the animal or fowl will be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. The notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner within the specified period, the animal or fowl shall be sold, humanely destroyed, or otherwise disposed of as authorized by the city council. (2000 Code, § 10-107)

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

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Violations and penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (*Tennessee Code Annotated*, §§ 68-8-101 to 68-8-113) or other applicable law.

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section.

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

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

10-204. Vicious dogs.² (1) Definition of terms:

¹State law reference

Tennessee Code Annotated, § 68-8-107.

²See cases stating the state's authority to regulate vicious dogs: *State of Tennessee v. Denver Hartly*, 15 TAM 23-2 (Tenn. S. Ct. 1990), and *Darnell v. Shappard*, 3 S.W.2d 661 (1928).

(a) "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.

(b) "Vicious dog" means:

(i) 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

(ii) 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 ordinance; or

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

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

(v) 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 Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(c) 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. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(3) 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.

(4) 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.

(5) 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.

(6) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this section provide proof to the city clerk 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.

(7) Penalties. Whoever violates any provision of this section shall be guilty of a gross misdemeanor and may be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt.

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood.

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid.

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag or found to be implanted with a microchip, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar.

Any new owner adopting a dog that has not been spayed or neutered must pay a twenty-five dollar (\$25.00) deposit before a dog may be released, as required by the Tennessee Spay/Neuter Law.¹

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.²

10-209. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

¹State law reference

Tennessee Code Annotated, § 44-17-501, *et seq.*, "The Tennessee Spay/Neuter Law," prohibits persons from adopting a dog or cat from an agency (pound, animal shelter, etc.) operated by a municipality unless the dog or cat was already spayed or neutered, was spayed or neutered while in the custody of the agency, or the new owner signs a written agreement to have the animal spayed or neutered within 30 days of the adoption if the animal is sexually mature, or within 30 days after the animal reaches six (6) months of age if it is not sexually mature.

Before an agency may release an animal which has not been spayed or neutered it must collect a twenty-five dollar (\$25.00) deposit from the new owner to ensure compliance with the law. If the new owner does not comply with the law, the deposit is forfeited and the agency may file a petition in court to force the new owner to either comply with the law or return the animal.

An agency may not spay or neuter a dog or cat that is returned to its original owner within seven (7) days of its being taken into custody by the agency.

²State law reference

Tennessee Code Annotated, § 44-17-301, *et seq.*

CHAPTER 3

PIT BULL DOGS¹

SECTION

- 10-301. Definitions.
- 10-302. Restrictions.
- 10-303. Standards and requirements.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Rebuttal presumptions.
- 10-307. Failure to comply.
- 10-308. Violations and penalty.

10-301. Definitions. The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(1) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(2) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(3) "Pit bull" means and includes any of the following dogs:

- (a) The bull terrier breed of dog;
- (b) The Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog; and
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs or pit bull terriers; and

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(4) "Owner" means any person, partnership, corporation or other legal entity owning, harboring or possessing any pit bull, or in the case of a person

¹See cases upholding the authority of cities to adopt breed specific ordinances: *Dog Federation v. City of South Milwaukee*, 5045 N.W.2d 375 (Wis. Ct. App. 1993); *Hearn v. City of Overland Park*, 772 P.2d 758 (1989); *Starkey v. Chester Township*, 628 F. Supp. 196 (E.D. Pa. 1986).

under the age of eighteen (18), that person's parent or legal guardian. A pit bull shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(5) "Predominantly" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harborer that the dog is more than fifty percent (50%) pit bull. Predominantly also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

(6) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(7) "Under restraint" means that the dog is secured by a leash, led under the control of a person physically capable of restraining the dog and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

10-302. Restrictions. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of the City of LaFollette. Provided, however, that persons owning such dogs at the time this chapter is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this chapter, including § 10-203, within thirty (30) days of the effective date of this chapter.

10-303. Standards and requirements. The following standards and requirements apply to pit bull dogs located within the corporate limits.

(1) Registration. Each owner, keeper, harbinger, or possessor of a pit bull dog shall register such dog with the recorder.

(2) Leash. No person having charge, custody, control, or possession of a pit bull shall permit the dog to go outside its kennel, pen, or other proper enclosure unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(3) Muzzle. It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen, or other proper enclosure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent such dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(4) Confinement. Except when leashed and muzzled as provided in this section, all pit bull dogs shall be securely confined indoors or confined in a locked pen, kennel, or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. Such pen,

kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the City of LaFollette. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, be adequately lighted and ventilated and kept in a clean and sanitary condition.

(5) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign must be posted on the kennel or pen of such animal.

(7) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the recorder of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the recorder.

(8) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the recorder as required hereinafter:

- (a) The removal from the city or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog;
- (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the city.

10-304. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of LaFollette unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of LaFollette.

10-305. Animals born of registered dogs. All offspring born of pit bull dogs within the City of LaFollette must be removed from the City of LaFollette within six (6) weeks of the birth of such animal.

10-306. Rebuttal presumptions. There shall be a Rebuttal presumption that any dog registered within the City of LaFollette as a pit bull dog or any of those breeds defined by § 10-201 of this chapter is in fact a dog subject to the requirements of this code.

10-307. Failure to comply. It shall be unlawful for the owner, keeper, harbinger, or possessor of a pit bull dog within the City of LaFollette to fail to comply with the provisions of this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of LaFollette.

10-308. Violations and penalty. Any persons violating or permitting the violation of any provision of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to the fine prescribed in the general penalty clause of the LaFollette Municipal Code. Each day such violation shall continue constitutes a separate offense. In addition to the foregoing penalty, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this chapter.

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS AND MISSILES.
4. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
5. MISCELLANEOUS.
6. EMERGENCY ALARMS.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.
 11-103. Violations and penalty.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (2000 Code, § 11-101)

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around or otherwise frequent any place where beer is sold at retail for consumption on the premises. (2000 Code, § 11-102, modified)

¹Municipal code references

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

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

- See *Tennessee Code Annotated*, § 33-10-203 (*Arrest for Public Intoxication*, cities may not pass separate legislation).

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

CHAPTER 2**OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Anti-noise regulations.

11-201. 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) 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.

(b) 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 persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) 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.

(d) 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.

(e) 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.

(f) 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 weekdays, 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.

(g) 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.

(h) 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.

(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; or

(c) Commercial, 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. (2000 Code, § 11-402, modified)

CHAPTER 3**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-301. Air rifles, etc.

11-302. Weapons and firearms generally.

11-301. 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. (2000 Code, § 11-601)

11-303. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the city. (2000 Code, § 11-603, modified)

CHAPTER 4**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-401. Trespassing on trains.

11-402. Interference with traffic.

11-401. 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. (2000 Code, § 11-701)

11-402. 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. (2000 Code, § 11-703)

CHAPTER 5**MISCELLANEOUS****SECTION**

11-501. Caves, wells, cisterns, etc.

11-502. Posting notices, etc.

11-503. Election offenses.

11-501. 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. (2000 Code, § 11-802)

11-502. 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. (2000 Code, § 11-803)

11-503. Election offenses. It shall be unlawful for any person to post cards, circulars, or like material on any telephone or light pole situated on the public streets, alleys, or rights-of-way, or on other public property within the corporate limits of the city, which cards, circulars or the like, advertise in any manner the candidacy of any person or persons for public office, or solicit votes for him.

It shall be unlawful for any person to solicit votes for himself or others on the public streets or other public property while votes are being cast within the corporate limits of the city in any public election, unless such person shall be at least three hundred feet (300') away from the front door of the building in which such election is being held. (2000 Code, § 11-805)

CHAPTER 6

EMERGENCY ALARMS

SECTION

11-601. Definitions.

11-602. Schedule of notice, warnings, penalty and costs.

11-601. Definitions. (1) "False emergency alarm." Any signal actuated by an emergency alarm to which the police and fire departments respond which is not the result of fire or other actual emergency and not caused by a violent act of nature.

(2) "Owner" and/or "operator." A person or persons who resides in, owns or operates a business or residence in which an emergency alarm is connected. (2000 Code, § 11-901)

11-602. Schedule of notice, warnings, penalty and costs. The following schedule of notice, warning, penalties and costs shall be assessed to the owner and/or operators of emergency alarm systems for false emergency alarms transmitted to the police and fire departments within any year.

First false alarm -	No action
Second false alarm-	Notice letter informing the owner or operator of the alarm system of the provisions of this chapter.
Third false alarm -	Warning letter and notice to ensure that the alarm system in proper working order. Once the third false emergency alarm has been received the police or fire chief shall cause to be sent, by certified mail, a notice to the owner and/or operator that further false emergency alarms will result in the imposition of a penalty and or costs of providing such service.
Fourth false alarm -	A fine of \$50.00 shall be imposed.
Fifth and more -	A fine of \$50.00 for each false alarm and the actual costs of such response by the police or fire department, as calculated and set annually, including the costs of equipment, fuel, personnel, administration and other such factor as determined by the police or fire chief. (2000 Code, § 11-902)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. FUEL GAS CODE.
5. ENERGY CONSERVATION CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the *International Building Code*,² 2018 edition; as prepared and adopted by the International Code Council are hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the *International Building Codes*. (Ord. #2010-004, Oct. 2010, as amended by Ord. #2018-03, April 2018)

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) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-102. Modifications. (1) Definitions. Whenever in the *International Building Code* reference is made to the duties of a certain official named therein, that designated official of the City of LaFollette who has duties corresponding to those of the named official in said codes shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows:

<i>Total Valuation</i>	<i>Permit Fee</i>
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof; to and including \$2,000
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000
\$5,000,001 and over	\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof.

(Ord. #2010-004, Oct. 2010)

12-103. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502 one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #2010-004, Oct. 2010)

12-104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein

adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2010-004, Oct. 2010)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the *International Plumbing Code*,² 2018 edition, as published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (2000 Code, § 12-201, as amended by Ord. #2018-03, April 2018)

12-202. Modifications. Wherever the plumbing code refers to the "chief appointing authority," the "administrative authority," or the "governing authority," it shall be deemed to be a reference to the city council of the city.

Wherever "city engineer," "engineering department," "plumbing official," or "inspector" is named or referred to, it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (2000 Code, § 12-202)

12-203. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the plumbing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2000 Code, § 12-203)

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.

12-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (2000 Code, § 12-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the *International Electrical*,² 2018 edition, as published by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (2000 Code, § 12-301, as amended by Ord. #2018-03, April 2018)

12-302. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2000 Code, § 12-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (2000 Code, § 12-303)

12-304. Enforcement. The electrical inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to ensure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (2000 Code, § 12-305)

12-305. Fees. The electrical inspector shall collect the same fees as are authorized in *Tennessee Code Annotated*, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (2000 Code, § 12-306)

12-306. Violations and penalty. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (2000 Code, § 12-304)

CHAPTER 4

FUEL GAS CODE¹

SECTION

- 12-401. Fuel gas code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Gas permit required.
- 12-405. Enforcement.
- 12-406. Fees.
- 12-407. Violations and penalty.

12-401. Fuel gas code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506 and for the purpose of regulating the installation of consumer's gas piping and gas appliances, etc., the *International Fuel Gas Code*,² 2018 edition, as published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and shall hereinafter be referred to as the gas code. (2000 Code, § 12-401, as amended by Ord. #2018-03, April 2018)

12-402. Modifications. Section 1.3 of the gas code is amended by adding thereto the following:

Each qualified agency must maintain currently in force and file with the city evidence of a public liability bond or insurance policy in the sum of \$25,000.00 to cover any deaths, injuries, losses or damages caused by negligent, inadequate, imperfect or defective work done by the agency while acting in the scope and course of its employment. (2000 Code, § 12-402)

12-403. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the 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. (2000 Code, § 12-403)

¹Municipal code reference

Gas system administration: title 19, chapter 1.

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

12-404. Gas permit required. No property owner shall cause or permit, nor shall any person make any service connection, install, modify, or change any gas piping or any gas appliance or fixture within the city or its gas service territory until the person proposing to do the work shall have first obtained a permit therefor from the city. (2000 Code, § 12-404)

12-405. Enforcement. The gas inspector shall be such person as the city council shall appoint or designate to enforce the provisions of this chapter and the gas code. He shall inspect the installation and/or modification or repair of all gas piping, connections, appliances, and fixtures. He may enter any building or premises at any reasonable time for the discharge of his duties. He shall not approve any gas piping installation, connection, repair, modification, or appliance which fails to meet the minimum requirements of this chapter and/or the gas code. Immediately upon completion of the inspection, the gas inspector shall notify the owner, his agent, or the occupant of the inspected property whether or not the inspection has been satisfactory. When the inspection reveals defective workmanship or material or any violation of this chapter or the fuel gas code, written notice of the same shall be given by the inspector and he shall refuse gas service until the defects have been corrected. (2000 Code, § 12-406)

12-406. Fees. Fees¹ charged for gas permits and inspections shall be in accordance with the schedule prescribed in the plumbing code. (2000 Code, § 12-407, modified)

12-407. Violations and penalty. It shall be unlawful for any person to do or authorize any gas installation or repair work or to use any gas in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the gas code. (2000 Code, § 12-405)

¹The fee schedule, and any amendments thereto, may be found in the office of the recorder.

CHAPTER 5

ENERGY CONSERVATION CODE¹

SECTION

- 12-501. Energy conservation code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Energy conservation code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the *International Energy Conservation Code*,² 2018 edition, as published by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy conservation code. (2000 Code, § 12-601, as amended by Ord. #2018-03, April 2018)

12-502. Modifications. Whenever the energy conservation code refers to the "responsible government agency," it shall be deemed to be a reference to the City of LaFollette. When the "building official" is named it shall, for the purposes of the energy conservation code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the energy conservation code. (2000 Code, § 12-602)

12-503. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2000 Code, § 12-603)

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) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-504. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2000 Code, § 12-604, modified)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. RUBBISH CONTROL.
4. STORAGE OF USED TIRES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Violations and penalty.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the city. (2000 Code, § 13-101)

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. (2000 Code, § 13-102)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to prevent the breeding of mosquitoes. (2000 Code, § 13-103)

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

13-104. Weeds. 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 recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (2000 Code, § 13-104)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (2000 Code, § 13-105)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (2000 Code, § 13-106)

13-107. House trailers.¹ 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. (2000 Code, § 13-107)

13-108. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

¹Municipal code reference
Zoning ordinance: title 14.

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*, the city commission finds that there exists in the city structures which are unfit for human occupation or use 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. (Ord. #2017-07, Oct. 2017)

13-202. 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 LaFollette, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

(8) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #2017-07, Oct. 2017)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. (Ord. #2017-07, Oct. 2017)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #2017-07, Oct. 2017)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human 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. (Ord. #2017-07, Oct. 2017)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #2017-07, Oct. 2017)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #2017-07, Oct. 2017)

13-208. Lien for expenses: sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Campbell 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 town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more

than one (1) 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 Campbell 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 to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #2017-07, Oct. 2017)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of LaFollette. 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. (Ord. #2017-07, Oct. 2017)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such 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 Campbell County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #2017-07, Oct. 2017)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a 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. (Ord. #2017-07, Oct. 2017)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and in compliance with legal requirements for gaining entry;
- (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. (Ord. #2017-07, Oct. 2017)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #2017-07, Oct. 2017)

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2017-07, Oct. 2017)

CHAPTER 3

RUBBISH CONTROL

SECTION

- 13-301. Growth of weeds, brush, etc. on property.
- 13-302. Accumulation of rubbish prohibited.
- 13-303. Vision of operators of vehicles not to be obstructed.
- 13-304. Abandoned vehicles.
- 13-305. Notice to be given by city administrator to clean up property.
- 13-306. City administrator power to remedy nuisance; reasonable costs of work to be charged to owner of property.
- 13-307. Violations and penalty.

13-301. Growth of weeds, brush, etc. on property. It shall be unlawful for any person owning, leasing, occupying or having control of property, regardless of whether the property is a vacant lot or contains any form of structure in the City of LaFollette, to permit the growth upon such property of weeds, grass, brush and all other rank or obnoxious vegetation to a height greater than two feet (2') when such growth is within two hundred feet (200') of occupied residential or commercial property or within two hundred feet (200') of any street, thoroughfare, or highway within the city limits of LaFollette, Tennessee. The failure to cut and/or destroy such weeds, grass, brush, and all other rank and obnoxious vegetation shall constitute a violation of this chapter. It shall also be unlawful for any such person or persons to permit poison ivy or other plants due to pollination, injurious or a menace to health to grow where they may cause injury or discomfort to any person within the City of LaFollette regardless of height or such; are hereby declared to be a public nuisance. (2000 Code, § 13-301)

13-302. Accumulation of rubbish prohibited. It shall also be unlawful for any person owning, leasing, or occupying or having control of property, regardless of whether the property is a vacant lot or contains any form of structure in the City of LaFollette, to permit the accumulation upon such property of rubbish in any form or nature for such is hereby declared to be a public nuisance. The failure to clean up and remove such rubbish shall constitute a violation of this chapter. The failure to cut and remove dead trees and dead and broken limbs shall constitute a violation of this chapter; in as much as same constitutes a nuisance and a menace to life and property of citizens of this city. (2000 Code, § 13-302)

13-303. Vision of operators of vehicles not to be obstructed. In complying with the aforesaid such section or sections of this chapter, it shall be unlawful for any person owning, leasing, occupying or having control of property

in the City of LaFollette to pile any rubbish or allow to grown any weeds, grass, brush or vegetation on property that might obstruct the vision of operators of vehicles and of pedestrians or obstruct the flow of water drainage. (2000 Code, § 13-303)

13-304. Abandoned vehicles. It shall be unlawful for any person to park, store, or place or locate on any public or private property or the owner or occupant of any property to park, store, locate or allow to be located on private or public property owned or occupied by such owner or occupant outside a legally constructed fully enclosed structure, any abandoned, disabled or inoperative motor vehicle or any abandoned, inoperative, disabled or unattended ice box, freezer, refrigerator, parts thereof, or any junk material whatsoever. In the event the owner or occupant of any property, upon which is located outside a legally constructed fully enclosed structure any abandoned, disabled, or inoperative motor vehicle or any abandoned, inoperative or disabled or unattended ice box, freezer, refrigerator, parts thereof or any junk, shall fail to remove the same within ten (10) days after receiving written notice requiring such removal, the city may cause removal or immediate disposal of said abandoned, disabled, or inoperative, unattended ice box, freezer, refrigerator, or any such junk or rubbish. Removal and disposal of such objects may be confiscated by the city work force or by private contract. The city shall serve notice of removal of said item and the occupant shall have thirty (30) days from the date of service of said notice to retrieve the item. If the item is not retrieved in thirty (30) days, the city may dispose of this item.

It shall be lawful, however, subject to all other ordinances and regulations of the city to park, store, maintain or locate inoperative motor vehicles outside a fully enclosed structure providing that such parking, storage, maintaining or locating for each such vehicle is for no more than a maximum of ten to twenty-four (10-24) hour periods or a fraction thereof; whether or not consecutive in any one (1) calendar year. (2000 Code, § 13-304)

13-305. Notice to be given by city administrator to clean up property. If the provision of this chapter are not complied with, the city administrator or his designee shall give notice in writing to the owner, owners agent or occupant of such lot or parcel of land of said condition requiring the cutting, removal and/or destruction of said weeds, grass, or brush, vegetation or rubbish within seven (7) days of receipt of said notice. Such notice shall be delivered in person. If contact cannot be made in person, a letter will be mailed to the last known address of the owner. The notice will be mailed as certified mail. (Ord. #2020-03, Sept. 2020)

13-306. City administrator power to remedy nuisance; reasonable costs of work to be charged to owner of property. Should the owner of said property fail to remedy such condition within said time, the city

administrator is empowered and directed to remedy the condition of the nuisance or cause the same to be done by city personnel. Following the completion of said work, the city administrator shall determine the reasonable cost thereof, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith and bill the owner or tenant therefor. If the bill is not fully paid within sixty (60) days after the mailing of said bill, a ten percent (10%) penalty shall be added and it shall be placed on the tax roll of the City of LaFollette as a lien upon the property and collected in the same manner as other city taxes are collected. (2000 Code, § 13-307)

13-307. Violations and penalty. Any person, firm, or corporation who shall violate the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, and in addition to the aforesaid, shall be punished by a fine not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) and each day's violation shall constitute a separate offense. (2000 Code, § 13-308)

CHAPTER 4**STORAGE OF USED TIRES****SECTION**

- 13-401. Definitions.
- 13-402. Unlawful storage.
- 13-403. Enforcement.
- 13-404. Violations and penalty.

13-401. Definitions. (1) "Storage" shall mean physical confinement of the tires inside or outside a building that meets all zoning, building and fire codes for the City of LaFollette.

(2) "Used tire" means any vehicular discarded tires which are not currently in use on an operative vehicle. (2000 Code, § 13-401)

13-402. Unlawful storage. It shall be unlawful for the owner or custodian of used tires to store them in any manner other than:

- (1) Inside a building;
- (2) Outside a building when the number of tires exceeds three hundred per thirty (300/30) day or the tires are allowed to accumulate rainwater over an extended period of time as determined by the codes official; or
- (3) In any manner that does not meet all zoning, building, sanitary and fire codes of the City of LaFollette. (2000 Code, § 13-402)

13-403. Enforcement. The codes enforcement officer for the City of LaFollette or some other person designated by the city administrator shall enforce the provisions of this chapter. (2000 Code, § 13-404)

13-404. Violations and penalty. Any person storing any used tire(s) in any manner other than that specifically authorized by this chapter shall be punished by a penalty of fifty dollars (\$50.00) per day of violation. Each day shall be counted as a separate violation. (2000 Code, § 13-403)

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. HISTORIC ZONING COMMISSION.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and a city councilman selected by the city council; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years. The terms of the mayor and the city councilman shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (2000 Code, § 14-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (2000 Code, § 14-102)

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. (2000 Code, § 14-103)

CHAPTER 2**ZONING ORDINANCE****SECTION**

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the City of LaFollette shall be governed by Ord. #382, titled "Zoning Code and Map of LaFollette, Tennessee," and any amendments thereto.¹ (2000 Code, § 14-201)

¹The Zoning Ordinance for the City of LaFollette, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder. Amendments to the zoning map are of record in the city recorder's office.

CHAPTER 3**FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of LaFollette shall be governed by Ord. #2014-07, titled "Flood Damage Prevention Ordinance" and any amendments thereto.¹ (2000 Code, § 14-301, modified)

¹The Flood Damage Prevention Ordinance for the City of LaFollette, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 4

HISTORIC ZONING COMMISSION

SECTION

14-401. Creation and appointment.

14-402. Procedure.

14-403. Powers and duties.

14-404. Review of decisions.

14-401. Creation and appointment. In accordance with *Tennessee Code Annotated*, chapter 13-7-403, a historic zoning commission is hereby established. The city council shall create a seven (7) member historic zoning commission which shall consist of a representative of a local patriotic or historical organization; an architect, if available; and a member of the planning commission, at the time of his appointment. The remaining members shall be appointed from the community in general. Historic zoning commission members shall be appointed by the Mayor of the City of LaFollette and shall be confirmed by the city council. The terms shall be for five (5) years except that the terms of at least one (1) member but not more than two (2) members shall expire each year. Initial terms shall be as follows: one (1) for five (5) years, two (2) for four (4) years, two (2) for three (3) years, and two (2) for two (2) years. All members shall serve without compensation. (2000 Code, § 14-401)

14-402. Procedure. The historic zoning commission shall adopt by-laws which shall establish a regular meeting time and place, establish the manner of voting, set procedures for the recordation of procedures, and may address any additional matters relating to the conduct of the historic zoning commission as the historic zoning commission may deem appropriate. (2000 Code, § 14-402)

14-403. Powers and duties. The LaFollette Historic Zoning Commission shall have the following powers and duties:

(1) To review all projects within any historic district that require the issuance of a permit before such projects can be lawfully commenced within the City of LaFollette, and following such review, grant, grant with conditions, or deny a certificate of appropriateness; and further to review any projects not requiring a permit, but which the building official has been authorized to review by the LaFollette Historic Zoning Commission within its "design review guidelines," and for which he has refused to issue a certificate of appropriateness, and thereafter to grant, grant with conditions, or deny a certificate of appropriateness;

(2) To adopt design review guidelines for each classification of historic district established in the city by which all projects subject to review in such historic districts are to be reviewed in order that the building official and/or

LaFollette Historic Zoning Commission may make a determination as to the granting or denial of a certificate of appropriateness; and

(3) To recommend to the planning commission the establishment of historic zones; and to review the recommendation of the planning commission, or any other group or person, for the establishment or change in boundaries of any historic zone. (2000 Code, § 14-403)

14-404. Review of decisions. (1) Any person who may be aggrieved by any final order of judgment of the historic zoning commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari, as provided for in *Tennessee Code Annotated*, title 27, chapter 8. (2000 Code, § 14-404)

(2) For the projects for which the building official is authorized by the LaFollette Historic Commission to grant, or grant with conditions a certificate of appropriateness, the building official shall render a decision within ten (10) working days of the date on which he received sufficient data on which to make a judgment regarding to the project's appropriateness. For projects which require review by the LaFollette Historic Zoning Commission, and those other projects which the building official refers to it for review, the LaFollette Historic Zoning Commission shall render a decision to grant, grant with conditions, or deny a certificate of appropriateness within thirty (30) days of the date of the meeting at which sufficient data is available concerning the project to make a judgment regarding its appropriateness. (2000 Code, § 14-405)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.

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.

- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-122. Gross vehicle weight limits on city streets.
- 15-123. Definitions.
- 15-124. Compliance with financial responsibility law required.
- 15-125. Adoption of state traffic statutes.
- 15-126. All-terrain vehicles.
- 15-127. Skateboards, roller blades, and bicycles on city property.

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. (2000 Code, § 15-101)

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. (2000 Code, § 15-102)

15-103. 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. (2000 Code, § 15-104)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction;

(b) When the right half of a roadway is closed to traffic while under construction or repair; and

(c) Upon a roadway designated and signposted by the city for one (1) 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. (2000 Code, § 15-105)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets, either lane may be lawfully used in the absence of markings to the contrary. (2000 Code, § 15-106)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or centerline, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (2000 Code, § 15-107)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic.

15-108. General requirements for traffic-control signs, etc. Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,² and shall be uniform as to type and location throughout the city.

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal.

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (2000 Code, § 15-111)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (2000 Code, § 15-112)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (2000 Code, § 15-113)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (2000 Code, § 15-114)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (2000 Code, § 15-115)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (2000 Code, § 15-116)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) 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 feet (200') from the rear of such vehicle. (2000 Code, § 15-117)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (2000 Code, § 15-118)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988."

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (2000 Code, § 15-120)

15-120. Damaging pavements. No person shall operate upon any street of the city 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. (2000 Code, § 15-121)

15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including a vehicle that is fully enclosed, has three (3) wheels in contact with the ground, weighs less than one thousand five hundred pounds (1,500 lbs.), and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city/town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) (a) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head, either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(i) Except as provided in subdivisions (a)(ii)-(iv), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR 571.218;

(ii) Notwithstanding any provision in 49 CFR 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed one and one-half inches (1 1/2") in diameter;

(iii) Notwithstanding any provision in 49 CFR 571.218, the protective surface shall not be required to be a continuous contour; and

(iv) Notwithstanding any provision in 49 CFR 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Foundation.

(b) This section does not apply to persons riding:

(i) Within an enclosed cab;

(ii) Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

(iii) Golf carts; or

(iv) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

15-122. Gross vehicle weight limits on city streets.

(1) Definitions. For the purpose of this chapter the following definitions shall apply.

(a) "City streets." Any street or alley located within the corporate limits of the City of LaFollette which is not designated as a part of the state or federal highway system.

(b) "Truck." Any vehicle designed or operated for the transportation of property and whose gross vehicle weight (GVW) exceeds ten thousand (10,000) pounds.

(2) Gross vehicle weight; exceptions. Any truck over ten thousand (10,000) pounds gross vehicle weight shall be prohibited from using city streets except those designated as state or federal highway system streets.

EXCEPTIONS: (a) The operator of any commercial vehicle exceeding ten thousand (10,000) pounds GVW with or without its load, shall confine the movement of such vehicle to streets or highways that are designated as state or federal highways, except that such vehicles may be operated on city streets for the purpose of delivering or picking up materials or merchandise and then only by taking the shortest and most direct route from a state or federal highway to the point of delivery or pick-up and returning in the same manner.

(b) The operation of emergency vehicles upon any street, in the city.

(c) The operation of trucks owned or operated by the city, any contractor or materialman, while engaged in the repair, maintenance, or construction of streets, street improvements, or public utilities within the city.

(3) Truck routes. The appropriate officials shall erect or cause to be erected clearly legible signs at the corporate limits of the city upon all state and federal highways entering the city, as follows: "Through trucks follow numbered highways or marked truck routes only." The appropriate officials shall also erect or cause to be erected signs along authorized routes as designated herein within the corporate limits, as follows: "Truck Route." The city council shall designate the locations for said signs. (2000 Code, § 15-123)

15-123. Definitions. "Street" or "highway" as used in this code shall mean the entire width between the boundary lines of every way when any part thereto is open to the use of the public for the purposes of vehicular traffic.¹ (2000 Code, § 15-124)

15-124. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

¹State law reference

Tennessee Code Annotated, § 55-8-101.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under *Tennessee Code Annotated*, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected.

15-125. Adoption of state traffic statutes. By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the City of LaFollette 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 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section.

15-126. All-terrain vehicles. (1) Notwithstanding any law to the contrary, any all-terrain vehicles may be operated on the following portions of highways within the jurisdiction of LaFollette Tennessee.

(a) North Tennessee Avenue, beginning at intersection Central Avenue and traveling North to the Tank Springs Trail Head.

(b) South Tennessee Avenue, beginning at the Central Avenue intersection and traveling South to intersection of Loop and Claiborne Road.

(c) South 4th Street traveling South to intersection of East Chestnut Street.

(d) Claiborne Road traveling South to City of Lafollette corporate limits.

(e) All of Beech Street.

(2) For the purpose of this section, all-terrain vehicles are ATV, UTV, dirt bikes and similar type vehicles determined to be suitable and appropriate for safe operation on the streets of the City of LaFollette, Tennessee and all-terrain vehicles being further defined by *Tennessee Code Annotated*.

(3) The operation of any such vehicle shall be subject to the following conditions or restrictions:

(a) Operators shall be sixteen (16) or older and have a valid driver's license.

(b) The riding times are during daylight hours, which include the thirty (30) minutes before dawn and the thirty (30) minutes after dusk.

(c) Riders must stay on designated and posted roads

(d) Must carry liability insurance and be able to provide proof if requested.

(e) All riders must wear a protective helmet of a type approved by Tennessee Department of Transportation.

(f) Riders must lawfully obey all rules of the road applicable to other motor vehicles.

(g) Any such vehicle operated within the city shall be operated in a safe manner.

(h) Regular safety checkpoints will be conducted to ensure that rides are following procedures.

(i) Subject to any and all applicable laws as required and established by the State of Tennessee.

(j) Any violation to the state laws and the rules listed here may result in loss of privileges to operate vehicle on the specified paved road.

(4) Violators of the provisions of this section, which are not a violation of *Tennessee Code Annotated*, § 55-8-185, shall be punishable by a civil penalty of no more than fifty dollars (\$50.00) and/or loss of permit. (Ord. #2019-06, Dec. 2019)

15-127. Skateboards, roller blades, and bicycles on city property.

(1) It shall be unlawful to engage in skateboarding, roller skating, or rollerblading in any city park except where specifically designated areas are provided by the City of LaFollette. All posted rules and regulations must be followed in any park or other city-owned property.

(2) The use of any type of motorized vehicle in any city park is specifically prohibited.

(3) The use of any bicycle or tricycle is prohibited within all city parks upon walking or running trails except where specifically permitted.

(4) The formal rules of the operation of the skateboard park are incorporated by reference as if repeated verbatim herein. (Ord. #2007-09, July 2007)

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 commissioner of public safety. (2000 Code, § 15-201)

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 five hundred feet (500') 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. (2000 Code, § 15-202)

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 feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (2000 Code, § 15-203)

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 police officer. (2000 Code, § 15-204)

CHAPTER 3**SPEED LIMITS****SECTION**

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

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. (2000 Code, § 15-301)

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. (2000 Code, § 15-302)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the city. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (2000 Code, § 15-303)

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 city. (2000 Code, § 15-304)

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 (2000 Code, § 15-401)

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. (2000 Code, § 15-402)

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 centerline thereof and by passing to the right of the intersection of the centerline of the two (2) roadways. (2000 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of 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. (2000 Code, § 15-404)

15-405. U-turns. U-turns are prohibited. (2000 Code, § 15-405)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5**STOPPING AND YIELDING****SECTION**

- 15-501. When emerging from alleys, etc.
- 15-502. To prevent obstructing an intersection.
- 15-503. At railroad crossings.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. At pedestrian control signals.
- 15-509. Stops to be signaled.

15-501. 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. (2000 Code, § 15-502)

15-502. 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. (2000 Code, § 15-503)

15-503. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') 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 one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (2000 Code, § 15-504)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (2000 Code, § 15-505)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (2000 Code, § 15-506)

15-506. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made a vehicle length short of the signal. (2000 Code, § 15-507)

15-507. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the 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. (2000 Code, § 15-508)

15-508. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) **"Walk."** Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) **"Wait or Don't Walk."** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (2000 Code, § 15-509)

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. (2000 Code, § 15-510)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.
- 15-613. Parking of vehicles bearing the universal symbol of access in spaces designated for parking vehicles utilized for the transportation of handicapped persons limited.
- 15-614. Parking in handicapped spaces; penalty.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the city 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 inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (2000 Code, § 15-601)

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 feet (24'). (2000 Code, § 15-602)

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 (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (2000 Code, § 15-603)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the city, nor:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen feet (15') thereof;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within fifty feet (50') of a railroad crossing;
- (7) Within twenty feet (20') 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 feet (75') 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; or
- (11) Alongside any curb painted yellow or red by the city. (2000 Code, § 15-604)

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. (2000 Code, § 15-605)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the city, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the city council, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (2000 Code, § 15-606)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has

been activated or placed in operation in accordance with the instructions printed thereon. (2000 Code, § 15-607)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one (1) time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (2000 Code, § 15-608)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (2000 Code, § 15-609)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (2000 Code, § 15-610)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (2000 Code, § 15-611)

15-612. 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. (2000 Code, § 15-612)

15-613. Parking of vehicles bearing the universal symbol of access in spaces designated for parking vehicles utilized for the transportation of handicapped persons limited. It shall be unlawful for any person operating a vehicle bearing the universal access symbol, to wit: the blue and white wheelchair disabled sign, to park in any space designated for handicapped drivers and for vehicles designated for the transportation of

handicapped persons except when actually engaged in the transportation of handicapped persons. (2000 Code, § 15-614)

15-614. Parking in handicapped spaces; penalty. Any person, except a person who meets the requirements for the issuance of a distinguishing placard or license plates, disabled veterans license plate or distress flag or card, who parks in any parking space designated with the wheelchair disabled sign or displays the distress flag or card, is guilty of a misdemeanor, punishable by a fine of not more than twenty-five dollars (\$25.00) for a first offense, and not less than fifty dollars (\$50.00) for each subsequent offense. (2000 Code, § 15-615)

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. Overtime parking.
- 15-706. Violations and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the appropriate court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. (2000 Code, § 15-701, modified)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (2000 Code, § 15-702)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (2000 Code, § 15-703)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any

¹State law reference

Tennessee Code Annotated, §§ 7-63-101, et seq.

vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) per day shall also be charged. (2000 Code, § 15-704)

15-705. Overtime parking. Whenever any motor vehicle is found parked in any parking space for a period of time in excess of the maximum allowed by official sign posted by the city, the officer finding said vehicle shall take its license number and any other information available to identify the user of said vehicle and the length of time said vehicle was parked, and shall affix to such vehicle a citation for the owner and/or driver to answer for said violation within ten (10) days, during the hours and at a place specified in the citation.

In the event the driver or owner fails to appear within ten (10) days to have the charge disposed of, a warrant for his or her arrest shall issue for failure to appear as cited to do.

If the driver or owner appears and waives the right to a judicial hearing within ten (10) days, the charge may be disposed of by payment of a fine of five dollars (\$5.00). Thereafter, the fine for said violation and failure to appear within said ten (10) days shall be ten dollars (\$10.00). (2000 Code, § 15-706)

15-706. Violations and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, his civil penalty shall be ten dollars (\$10.00).

(b) Other parking violations excluding handicapped parking. For other parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the recorder a fine of ten dollars (\$10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, his civil penalty shall be twenty-five dollars (\$25.00).

(c) Disabled parking violations, or parking in a space designated for disabled drivers without legal authority, shall be punishable by a fine of up to fifty dollars (\$50.00).

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Minimum standards of a public street.
- 16-115. Violations and penalty.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall construct, place, affix or occupy any portion of the city's street right-of-way including the sidewalk and those portions that are unpaved, but which consist of parkways or underground utility easements, with any appurtenance, fixture, structure or object, except as otherwise provided herein.

Notwithstanding, encroachments shall be allowed pursuant to permit if the director of public works issues an encroachment permit and determines that the public safety will not be jeopardized thereby, and if the applicant provides sufficient insurance or other assurances in case of liability arising from the

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

encroachment. Said permit shall be issued in accordance with §§ 16-201, *et seq.*, of the LaFollette Municipal Code.

Any person, firm or corporation constructing, placing, affixing or occupying any portion of the city's street right-of-way in violation of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed fifty dollars (\$50.00). Each day that such a violation exists shall be considered a separate violation."

LaFollette Utilities Board, a political subdivisions of the City of LaFollette, is specifically exempted from this code section. (2000 Code, § 16-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen feet (14'). (2000 Code, § 16-102)

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. (2000 Code, § 16-103)

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.¹ (2000 Code, § 16-104)

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. (2000 Code, § 16-105)

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. (2000 Code, § 16-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, or other objects or materials which

¹Municipal code reference

Building code: title 12, chapter 1.

are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (2000 Code, § 16-107)

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.

No person shall construct a driveway across any such drainage ditch unless he makes application to and reimburses the city for installation by the city of a fifteen inch (15") drainage tile and makes the driveway at least twenty feet (20') wide. (2000 Code, § 16-108)

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. (2000 Code, § 16-109)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (2000 Code, § 16-110)

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. (2000 Code, § 16-111)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (2000 Code, § 16-112)

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. (2000 Code, § 16-113)

16-114. Minimum standards of a public street. (1) The proposed street shall have a right-of-way width of at least fifty feet (50') unless the requirement would cause undue hardship; however, in no case shall a right-of-way be less than forty feet (40') in width.

(2) All proposed streets shall have an improved base to a width of twenty-eight feet (28'). The base (crusher run), shall be compacted to a six-inch (6") depth and shall be installed according to the methods specified in Section 33, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works, as revised. A prime coat shall be applied so as to leave two feet (2') of base remaining on each side of the improvement as a shoulder. The prime coat cover shall be applied as specified in section 49, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works - July 1, 1951 and latest revisions thereto, or as specified, in Appendix II, of the *LaFollette Subdivision Regulations*, 1972. Following completion of the prime coat, a hot bituminous coat as shown in Section 55, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works as revised, or Appendix II of the *LaFollette Subdivision Regulations*, 1972, shall be applied to complete the proposed street.

(3) Prior to final acceptance of a proposed street as the public street, the LaFollette Regional Planning Commission shall study a plat of the proposed street and make its findings known to the city council.

(4) Any person, firm, or corporation violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be subject to a fine of not less than two dollars (\$2.00) or more than fifty dollars (\$50.00). Each day of violation shall constitute a separate offense. (2000 Code, § 16-114)

16-115. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights.
- 16-206. Driveway cuts.
- 16-207. Restored street and curb.
- 16-208. Perpetual care.
- 16-209. Insurance.
- 16-210. Time limits.
- 16-211. Supervision.
- 16-212. Violations and penalty.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, public or private utility, association, or others, except the LaFollette City Street Department, to make any cut or excavation in any street, curb, alley, or public right-of-way in the city without complying with the provisions of this chapter; and it shall be unlawful to violate or to vary from the terms of any such permit; provided, however, any person maintaining pipes, lines, driveways, or other facilities in or under the surface of any public right-of-way may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business and said permit shall be retroactive to the date when the work was begun. (2000 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the director of public works and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, public or private utility, association, or others doing the actual excavation, and the name of the person, firm, corporation, public or private utility, association or others for whom the work is being done, and shall contain

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).

an agreement that the application will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or approved by the director of public works within twenty-four (24) hours of its filing. However, the requirements of this section, shall not be construed to apply to the emergency requirement set forth in § 16-201. (2000 Code, § 16-202)

16-203. Fee. The fee shall be set by resolution of mayor and city council. (2000 Code, § 16-203)

16-204. Deposit or bond. It shall be the responsibility of the permittee to place with the City of LaFollette a cash deposit either by the job or activity or on an annual basis. The amount of the deposit shall be determined by the city administrator or his designee based upon the size and nature of the permitted work within the right-of-way. The city may use the deposit to cover its cost should a failure of restoration work occur to the public right-of-way facility. Said requirements of this section may be waived by the city administrator. (2000 Code, § 16-204)

16-205. Manner of excavating--barricades and lights. Any person, firm, corporation, public or private utility, association, or others making any excavation or tunnel shall do so according to the specifications and standards issued by the City of LaFollette's Public Works Department. Sufficient and proper barricades and lights shall be maintained to protect person and property from injury by or because of the excavations 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. It shall be the responsibility of the permittee to adhere to the *Manual on Uniform Traffic Control Devices*. (2000 Code, § 16-205)

16-206. Driveway cuts. No one shall cut, build, or maintain a driveway across a public right-of-way without first obtaining a permit from the director of public works and receiving the necessary lines and grades from the public works department. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrians and/or vehicular traffic. (2000 Code, § 16-206)

16-207. Restored street and curb. Any person, firm, corporation, public or private utility, association, street, curb, alley, or public right-of-way in the city shall backfill said street, curb, alley, or public right-of-way according to city specifications and standards promptly upon the completion of the work for which the excavation or tunnel was made. However, the city may allow the utility to place the final surfacing subject to City of LaFollette specifications. Final surfacing will be done by the city or a contractor hired by the city at the expense of the entity for which the excavation or tunnel was made, if requested.

In case of unreasonable delay in restoring the street, curb, alley, or public right-of-way, the director of public works shall give notice to the person, firm, corporation, public or private utility, 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, public or private utility, association, or others. If within the time mentioned the conditions of the above notice have not been complied with, the work shall be done by the city, or a contractor hired by the city, an accurate amount of the expense involved shall be kept, and the total cost including overhead cost shall be charged to the person, firm, corporation, public or private utility, association, or others, who made the excavation or tunnel. (2000 Code, § 16-207)

16-208. Perpetual care. Any person, firm, corporation, public or private utility, association, or others effecting a public way within the city, shall be responsible for any defects which occur to the public facility within the public way due to workmanship or materials. The cost of repairs shall be the responsibility of the utility owners of the facility which was placed within the City of LaFollette public way. The city's public works department will be responsible for making the repairs or having the work contracted. Repairs shall be made in accordance with specifications furnished by the City of LaFollette. (2000 Code, § 16-208)

16-209. Insurance. Each person applying for such a permit shall file a certificate of insurance or other suitable instrument indicating that he is insured against claims for damage for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city administrator in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than three hundred thousand dollars (\$300,000.00) for each person and seven hundred thousand dollars (\$700,000.00) for each accident and for property damages an amount not less than one hundred thousand dollars (\$100,000.00), with an aggregate of one hundred thousand dollars (\$100,000.00) for all accidents. (2000 Code, § 16-209, modified)

16-210. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city or contractor. 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. (2000 Code, § 16-210)

16-211. Supervision. The director of public works, or his designee, shall from time to time inspect all excavations and tunnels being made in or under any public street, curb, alley, or other public right-of-way in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him before the work of refilling any such excavation or tunnel commences and said work may not commence until the inspector arrives at the site or gives verbal permission to proceed. (2000 Code, § 16-211)

16-212. Violations and penalty. Any person, firm, corporation, public or private utility, association, or others violating any of the provisions of this chapter shall, upon conviction, be fined not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (2000 Code, § 16-212)

CHAPTER 3

PROPERTY NUMBERING SYSTEM

SECTION

- 16-301. Official property numbering map.
- 16-302. Official property numbering system.
- 16-303. Assignment of property numbers.
- 16-304. Special numbering situations.
- 16-305. Application and placement of identifying numbers.
- 16-306. Exceptions.
- 16-307. Compliance.
- 16-308. Amendments.
- 16-309. Violations and penalty.

16-301. Official property numbering map. The map entitled, "Property Numbering Map, City of LaFollette, Tennessee" shall be the official property numbering map of the city and shall only be amended in accordance with the provisions of this chapter. (2000 Code, § 16-301, modified)

16-302. Official property numbering system. The system by which the official property numbering map was developed and by which newly constructed or annexed roads are to be numbered is as follows.

- (1) Base lines. (a) The east-west base line shall be Tennessee Avenue.
 - (b) The north-south base line shall be Central Avenue.
 - (c) The point of intersection of the two shall be the axis point from which all grids shall be drawn and numbered.
- (2) Grid lines. (a) Due to topography, curvilinear roads, and "diagonal" orientation of the base lines, the grid lines will not be uniformly located nor oriented in a true north-south or east-west direction.
 - (b) Each grid line shall be numbered in progression of 100's "outward" from the axis point.
 - (c) Streets which cross the base lines shall bear the additional designation of north or south and east or west.
- (3) Property number intervals. All streets shall have a property number assigned for each fifty feet (50') of street frontage. (2000 Code, § 16-302)

16-303. Assignment of property numbers. Numbers shall be assigned to each frontage interval in the following manner.

- (1) When beginning at the point of the numerically smallest block range on a street and traveling from that point in the direction of the end of the street.

(2) Assignment of street numbers. (a) Property numbers for all properties or parcels of land, dwelling units, or places of business, shall be assigned by the E-911 Center in cooperation with the codes officer and the provisions outlined herein.

(b) The owner, occupant, person or corporation occupying or responsible for any property, dwelling, or building to which a number has been assigned will be notified in writing by the E-911 Center of the assigned number.

(c) A whole number shall be assigned for every interval of ground, whether lot or parcel is improved or vacant. All properties shall be assigned a property number in accordance with the interval schedule as follows; and designated on the "property numbering system" map:

(i) Within Zone 1, a separate number shall be assigned for each twelve and one-half feet (12-1/2') of frontage;

(ii) Within Zone 2, a separate number shall be assigned for each twenty-five feet (25') of frontage;

(iii) Within Zone 3, a separate number shall be assigned for each fifty feet (50') of frontage.

(d) Odd numbers shall be assigned to the left hand side of the street for any and all streets as they proceed outward from either base line, and even numbers shall be assigned to the right hand side of the street.

(e) All existing numbers of property and buildings not in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within one (1) year from the date of passage of this chapter. (2000 Code, § 16-303)

16-304. Special numbering situations. (1) Apartment complexes. Multi-family housing containing two (2) or more dwelling units in one (1) or more buildings shall be assigned the number of the interval closer to the primary entrance on "center" of the building or complex, whichever seems the more logical choice. Units and buildings within such structures and complexes shall have an additional unit or building number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual units with such buildings or complexes.

(2) Mobile home parks. Mobile home parks (park under one ownership, lots rented) shall be numbered in the same manner as all streets within property assigned under zone two (2).

(3) Commercial structures, shopping centers. Structures in commercial areas shall be numbered by the interval system. However, structures containing more than one (1) business, shall be assigned the number of the interval closer or closest to the primary entrance or "center" of the structure, which ever seems the more logical choice. Businesses located within

a structure, such as a shopping center, shall bear the chosen interval number and a suite number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual businesses within such structures or centers.

(4) Duplexes, structures located behind other structures. Other special situations, such as duplexes, buildings in the rear of a lot, etc., shall be assigned a separate property number, where possible. When this is not possible, the same number with different letters may be used.

(5) Structures and private streets. Structures located along a private street or drive shall receive individual property numbers. The street shall be assigned "Way" as a suffix. (2000 Code, § 16-304)

16-305. Application and placement of identifying numbers. (1) All structures within the city which are used as places of residence, for activities of commerce, or education, religious, and similar activities shall be identified by a unique address determined in accordance with §§ 16-303 and 16-304 of this chapter.

(2) The assigned property number shall be placed upon the portion of the structure and/or within any yard area which is adjacent to or in close proximity to the primary entrance of such structure; and shall be of a size and a type that is listed. Number should be at least three inches (3") in height for residences and six inches (6") for businesses. Numbers will be used with contrasting color and display them on the front of the structure so they are clearly visible from the road (reflective preferred). If a building is more than fifty feet (50') from any road or is not visible from the road, an address number should be displayed at the entrance to the drive, on a four by four (4x4) post as a minimum height of three and one-half feet (3-1/2'). Numbers should be four inches (4") tall. (2000 Code, § 16-305)

16-306. Exceptions. All provisions of the numbering system shall apply to properties along the following streets with the exception of the manner of determining the point from which numbers are assigned: new buildings and administration.

(1) The E-911 Center shall assign the number to addressable structures which may be hereafter platted, and shall indicate the same upon an approved final subdivision plat.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the E-911 Center the official number of the premises. Final approval of a certificate of occupancy of any principal building erected or repaired after the adoption of the ordinance comprising this chapter shall be withheld until permanent and proper numbers have been displayed in accordance with this chapter. (2000 Code, § 16-306)

16-307. Compliance. Within thirty (30) days of receiving or notification regarding the assignment of a property number, the owner, occupant, or person in charge of any structure, or part thereof, shall post the assigned property number in the manner set fourth in § 16-305 of this chapter. Any number or other designations in conflict with the assigned address shall be removed. (2000 Code, § 16-307)

16-308. Amendments. Amendments to this chapter and/or the official property numbering map shall be recommended by the City of LaFollette E-911 Board to the mayor and council, and shall not become effective until such proposed amendment be adopted by city council. (2000 Code, § 16-309)

16-309. Violations and penalty. Violations of the provisions of this chapter shall be deemed a misdemeanor and may be punished by a fine up to fifty dollars (\$50.00). Each day such a violation is continued shall constitute a separate offense and may be fined as such.

In the event that an owner, occupant person, or corporation responsible or any parcel or unit or building refuses to comply with the terms herein stated by failing to affix the number assigned within one (1) year after adoption of this chapter or thirty (30) days after notification of assigned number, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine as set forth above. Each day the unit or property is in violation of this chapter shall constitute a separate offense. (2000 Code, § 16-308)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. UNIFORM REFUSE DISPOSAL.
2. CURBSIDE DEBRIS.
3. PLACEMENT OF INFECTIOUS WASTE IN GARBAGE COLLECTION CONTAINERS.

CHAPTER 1

UNIFORM REFUSE DISPOSAL

SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Accumulation and storage of refuse.
- 17-104. Containers.
- 17-105. Refuse not to be collected unless properly stored.
- 17-106. Refuse from construction, demolition, or repairs.
- 17-107. Unlawful to burn.
- 17-108. Dumping in streams, sewers, and drains prohibited.
- 17-109. Disposal of refuse by city.
- 17-110. Disposal of refuse other than by city.
- 17-111. Collection practices.
- 17-112. Frequency of collection.
- 17-113. Refuse collection and/or disposal service charge.
- 17-114. Residential garbage service user fee.
- 17-115. Method of collection service charge.
- 17-116. Disturbing containers.
- 17-117. Collection under supervision of city manager.
- 17-118. Collection vehicles.
- 17-119. Violations and penalty.

17-101. Definitions. (1) The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(2) 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 LaFollette.

¹Municipal code reference

Property maintenance regulations: title 13.

(3) The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

(4) The term "person" shall include any natural person, association, partnership, firm or corporation.

(5) The term "refuse" shall mean all solid wastes, except body wastes, and shall include garbage, ashes and rubbish (trash).

(6) The term "rubbish" shall include waste papers, tin cans, brokenware, discarded shoes and clothing, bottles, grass cuttings or non-putrescible solid wastes. The term, "rubbish" shall not include debris from construction or repair work, trees or tree trimmings, bricks or rocks or any other waste that is likely to cause damage to the equipment of the city, injury to its employees, or is likely because of the nature, size, or weight of the material, to cause undue hardship on the collector.

(7) The singular shall include the plural and the masculine shall include the feminine and the neuter. (Ord. #2021-09, Aug. 2021)

17-102. Premises to be kept clean. All persons, firms and corporations within the corporate limits of the City of LaFollette are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth and trash. Such persons, firms and corporations are hereby required to store such refuse in sanitary containers of the type described in § 17-104 of this code between intervals of collection or to dispose of such material in a manner prescribed by the city administrator, the city health officer, or the supervisor of the city sanitation department so as not to cause a nuisance or become injurious to the public health and welfare. (Ord. #2021-09, Aug. 2021)

17-103. Accumulation and storage of refuse. (1) Each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure or grounds within the corporate limits of the City of LaFollette, where refuse materials and substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of approved containers for the storage of such refuse except business and industrial establishments using city-owned receptacles as described in § 17-104(3).

(2) Preparation of refuse. (a) All refuse shall be drained, free of liquids, before disposal.

(b) "Garbage" (including animal waste) shall be wrapped in paper or similar material.

(c) All cans, bottles, or other food containers shall be free of food particles and drained before disposal.

(d) "Rubbish" shall be:

(i) Placed in approved containers, or

(ii) Cut and baled, tied, bundled, stacked or packaged so as not to exceed forty-eight inches (48") in length and seventy five (75) pounds in weight.

Tree limbs which are to be placed in a city "chipper" truck should be neatly stacked and not exceed six feet (6') in length. Limbs should be stacked with the cut-off ends facing the curb.

(e) "Leaves" shall be collected on a nonscheduled basis without additional charge to the regular refuse collection fees. Leaves must be placed in windrows adjacent to the curb or the street right-of-way. In no case may windrows of leaves be extended more than six feet (6') back from the curb line or street right-of-way.

(f) "Ashes" that have been exposed to the weather and are completely free of fire or smoke may be placed in regular containers. "Hot" ashes that may result in damage to refuse packers, containers, or may result in injury to the collectors shall, in no case, be placed in containers. (Ord. #2021-09, Aug. 2021)

17-104. Containers. (1) Residential refuse containers shall be constructed of strong and durable material, rodent and insect proof and not readily corrodible. They shall have a capacity of not more than thirty-two (32) gallons and not less than twenty (20) gallons, and when filled, shall weigh not more than seventy-five (75) pounds. Residential refuse containers shall be equipped with handles on both sides to facilitate emptying and shall be equipped with tight fitting lids or covers constructed of the same material of such design to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by the collector.

(2) Confiscation of unsatisfactory storage containers. Refuse containers shall be maintained in good order and repair. Any container that may have a ragged or sharp edge or other defects liable to injure the persons collecting the contents thereof, shall be replaced. The city sanitation department will affix to any defective container, a tag identifying such defects and giving the owner proper notice that the container must be replaced. When a person fails to repair or replace containers after notice has been given by the city, further collection will be discontinued until proper containers have been provided. The collectors will exercise every effort to protect the container from damage as a result of unloading or loading, but the City of LaFollette will not be held liable for such damages.

(3) City-owned receptacles. Business and industrial establishments shall deposit in city-owned refuse receptacles provided for multiple use, all refuse from their establishments in the receptacle assigned to them. They shall break down or nest all cardboard boxes prior to depositing in the receptacles.

Business and industrial establishments utilizing the city-owned receptacles are exempt from the requirements in § 17-104(1).

(4) Business and industrial establishments not served by a city-owned receptacle shall provide a sufficient number of containers to fully contain all refuse accumulated between collection periods. The size of the containers shall not exceed the size authorized in § 17-104(1) for residential users.

(5) Refuse containers must be located outside of buildings and shall be placed where they will not become a traffic or fire hazard, and accessible to city sanitation employees. (Ord. #2021-09, Aug. 2021)

17-105. Refuse not to be collected unless properly stored. In no case will it be the responsibility of the city sanitation department to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, packing material, etc., except as prescribed in § 17-103(2)(d). (Ord. #2021-09, Aug. 2021)

17-106. Refuse from construction, demolition or repairs. In no case will it be the responsibility of the city sanitation department to collect refuse resulting from construction, demolition, or repairs of buildings, structures or appurtenances. The property owner/contractors, or the persons having same in charge, shall be responsible for the disposal of such refuse. (Ord. #2021-09, Aug. 2021)

17-107. Unlawful to burn. It shall be unlawful for any person, firm or corporation to burn refuse on private or public property within the corporate limits of the City of LaFollette, without first obtaining a permit from the City of LaFollette's Fire Department. (Ord. #2021-09, Aug. 2021)

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 a stream, ditch, storm sewer, sanitary sewer, or other drains within the corporate limits of the City of LaFollette. (Ord. #2021-09, Aug. 2021)

17-109. Disposal of refuse by city. All refuse accumulated in the City of LaFollette shall be collected, conveyed and disposed of by the City of LaFollette Sanitation Department. No person shall convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the City of LaFollette, except as noted in § 17-110. All refuse shall be disposed of in the City of LaFollette at the county landfill or other sites approved by the city. (Ord. #2021-09, Aug. 2021)

17-110. Disposal of refuse other than by city. Actual producers of refuse, including residential, commercial and business establishments or the owners of premises upon which refuse has accumulated, may convey and dispose of such refuse provided they agree to comply with any requirements of the city code concerning contractors, etc., and the point of disposal, and apply for a permit granting them the right to collect, convey and dispose of the refuse. Applicants for this type of private disposal permit will not be exempt from paying the minimum disposal charges as provided in § 17-114 of this title. (Ord. #2021-09, Aug. 2021)

17-111. Collection practices. (1) Residential points of collection.

(a) Refuse containers shall be placed for collection at ground level on the property at the curb line where collection is made unless the subscriber has made arrangements to place the refuse container at another point and has so advised the city sanitation department of the location.

(b) Persons served by an alley abutting the property of the person shall place refuse containers as near as possible to the alley line, but not more than five feet (5') from the alley line on the day of collection service.

(c) Persons with unpaved or gravelled driveways and not capable of accommodating a refuse vehicle as described in paragraph § 17-111(1)(a) above, shall place refuse containers as near as possible to the street right-of-way or curb line on the day of collection.

(d) The City of LaFollette will not be responsible for driveways, shrubbery, down spouts, lawns, etc. while in the process of entering the premises for the purpose of removing refuse unless the person being serviced objects to the collection equipment entering the premises and advises the city sanitation department in writing of this objection.

(2) Commercial or business points of collection. (a) Placement of containers other than city owned receptacles shall comply with § 17-104(4).

(b) Commercial or business firms disposing of refuse under the provisions of § 17-110 may be permitted to place containers at places upon their premises by agreement of the contractual party or to suit the needs of the person responsible for the removal of refuse. (Ord. #2021-09, Aug. 2021)

17-112. Frequency of collection. (1) Refuse collection shall be made in the residential districts on regular scheduled routes so as to provide one (1) collection per week for each residence subscriber.

(2) Refuse collection shall be made in commercial or business areas as frequently as needed to prevent the occurrence of nuisances and public health problems in the City of LaFollette. (Ord. #2021-09, Aug. 2021)

17-113. Refuse collection and/or disposal service charges. The minimum monthly charge for refuse collection and/or disposal charges shall be as follows:

(1) Institutional, professional, industrial, fraternal or commercial or business establishments operated within the City of LaFollette shall pay a minimum fee of four dollars (\$4.00) or six dollars (\$6.00) per month depending on the size of the container, plus an additional forty cents (40¢) per cubic yard based on the service they receive as may be reasonably determined by the supervisor of the sanitation department.

(2) In unusual circumstances where city owned containers cannot be placed, the customer shall pay a minimum of four dollars (\$4.00) per month based on one scheduled pickup, plus an additional amount as the service may reasonably justify.

(3) The city council may establish service boundaries limiting the daily refuse pickup service to customers within the boundaries. Proper notice may be given to customers outside the boundaries by publishing a map in a local newspaper on three (3) successive days as sufficient notice that the service cannot be provided on a daily basis. (Ord. #2021-09, Aug. 2021)

17-114. Residential garbage service user fee. (1) Fees established, definition, collection rules and regulations. (a) There is hereby established a residential garbage service user fee to be charged to and collected from each household in the City of LaFollette, Tennessee on a monthly basis.

(b) Household is defined, for the purpose of this section, as all residential living units within the City of LaFollette, whether occupied or not, to which garbage and refuse pick up service is furnished by the City of LaFollette, and available for use whether utilized or not, and for which pick up service is not otherwise required to be provided as a commercial unit (or apartment development in excess of four (4) units).

(c) The residential garbage service fee is established at the rate of five dollars (\$5.00) per month per residential household.

(d) The city administrator is authorized and directed to institute collection mechanisms, rules, and regulations and means as shall be deemed by the city administrator to be efficient, appropriate and expedient to effect collections.

(2) Penalty for non payment. (a) 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.

(b) Each thirty (30) day period that the service fee remains unpaid shall subject the owner or the tenant, whichever is the user, to a separate fifty dollars (\$50.00) civil fine for non payment.

(3) Collection of residential garbage service user fees. (a) The monthly residential garbage service user fee shall be added to each customer's utility billing and collected by the LaFollette Utilities for the City of LaFollette.

(b) The LaFollette Utilities shall be paid a seven and one-half percent (7.5%) administrative fee for the billing, collection, and distribution of said funds to the City of LaFollette. Distribution of said funds shall be made to the City of LaFollette on a monthly basis. (Ord. #2021-09, Aug. 2021)

17-115. Method of collecting service charges. (1) Institutional, professional, industrial, fraternal, and commercial monthly service charges shall be billed quarterly on or before the last date of the quarter. Failure to pay service charges will result in discontinuance of service.

(2) All institutional, professional, industrial, fraternal, commercial and business establishments and contractors requiring special handling or special rates due to unusual situations that prevail will be approved by the city administrator or his designee. (Ord. #2021-09, Aug. 2021)

17-116. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner disturb on any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. Persons using containers without authorization will be subject to prosecution. (Ord. #2021-09, Aug. 2021)

17-117. Collection under supervision of city administration. All refuse accumulated within the corporate limits shall be collected, conveyed, disposed of under the supervision of such officer as the city administrator shall designate. Collections shall be made regularly in accordance with an announced schedule. (Ord. #2021-09, Aug. 2021)

17-118. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection

vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (Ord. #2021-09, Aug. 2021)

17-119. Violations and penalty. Any person, firm or corporation who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice or order issued by the health officer or the supervisor of the city sanitation department with reference to the storage, accumulation or disposal of refuse as set forth in this chapter shall be guilty of a misdemeanor and shall be subject to a fine under the general laws of the state. (Ord. #465, July 1981)

CHAPTER 2

CURBSIDE DEBRIS

SECTION

17-201. Curbside debris.

17-201. 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, furniture, and junk.

(2) The service fee shall be twenty dollars (\$20.00) per man-hour.
(Ord. #2021-09, Aug. 2021)

CHAPTER 3

PLACEMENT OF INFECTIOUS WASTE IN GARBAGE COLLECTION CONTAINERS

SECTION

- 17-301. Definitions.
- 17-302. Infectious waste prohibited in residential containers; exception.
- 17-303. Enforcement.
- 17-304. Testing of infectious waste.
- 17-305. Suspension of garbage pickup.
- 17-306. Violations and penalty.

17-301. Definitions. For the purpose of interpreting and applying this chapter, the following words shall have the meanings indicated:

(1) "Infectious waste" means needles, syringes, lancets, scalpel blades, contaminated broken or sharp laboratory glassware including slides, cover slips, and pasteur pipettes, and any other sharp objects that may potentially spread infectious disease.

(2) "Resident" means any citizen of LaFollette who has their household waste collected by or on behalf of the City of LaFollette. (Ord. #2021-09, Aug. 2021)

17-302. Infectious waste prohibited in residential containers; exception. It shall be unlawful for any resident to dispose of infectious waste, including needles, syringes, lancets, scalpel blades, contaminated broken or sharp laboratory glassware including slides, cover slips, pasteur pipettes, and any other sharp objects that may potentially spread infectious disease in residential garbage containers for collection by city workers or others who may collect garbage on behalf of the City of LaFollette, except where such needles and other infectious waste are properly stored in containers so that solid waste collectors and processors may not come in contact with the infectious waste. (Ord. #2021-09, Aug. 2021)

17-303. Enforcement. The city administrator shall have the authority to administer and enforce the provisions of this chapter related to disposal of infectious waste by city residents. (Ord. #2021-09, Aug. 2021)

17-304. Testing of infectious waste. The city administrator shall assume that any infectious waste, as defined by this chapter, is a potential carrier of infectious disease, and shall have the authority to call upon any medical professional or laboratory to inspect any infectious waste discarded in

household waste in the City of LaFollette, should he/she feel it necessary. (Ord. #2021-09, Aug. 2021)

17-305. Suspension of garbage pickup. In the event that the city administrator determines that infectious waste has been improperly disposed of in residential containers, and that the violation constitutes an immediate hazard to the health, safety, and welfare of the citizens of the city or waste collectors, he/she may immediately suspend pickup of the resident's garbage. (Ord. #2021-09, Aug. 2021)

17-306. Violations and penalty. It shall be unlawful and a misdemeanor for any person to violate any provision of this chapter, the penalty for which shall be a fine of fifty dollars (\$50.00). Each day a violation occurs shall be considered a separate offense. (Ord. #2021-09, Aug. 2021)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWAGE.
2. SEWER USE ORDINANCE.
3. INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS FATS, OIL AND GREASE CONTROL PROGRAM.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

SEWAGE²

SECTION

- 18-101. Definitions.
- 18-102. Use of public sewers required.
- 18-103. Private sewage disposal.
- 18-104. Building sewers and connections.
- 18-105. Use of the public sewer.
- 18-106. Protection from damage.
- 18-107. Powers and authority of inspectors.
- 18-108. Violations and penalty.

18-101. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows.

(1) "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 twenty degrees Celsius (20° C) C., expressed in parts per million by weight.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

²Municipal code reference

Plumbing code: title 12, chapter 2.

Ordinances amending the water and sewer rates are of record in the city recorder's office.

other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes as distinct from sanitary sewage.

(5) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(6) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(7) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(8) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

(9) "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.

(10) "Shall" is mandatory; "may" is permissive.

(11) "Superintendent" shall mean the Superintendent of the Water Department of the Board of Public Utilities of the City of LaFollette, or his authorized deputy, agent, or representative.

(12) "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. (2000 Code, § 18-101)

18-102. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of LaFollette, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of LaFollette, or in any area under the jurisdiction of said city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary 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 date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line. (2000 Code, § 18-102)

18-103. Private sewage disposal. (1) Where a public sanitary sewer is not available under the provisions of § 18-102(4), the building sewer shall be connected to 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 five dollars (\$5.00) shall be paid to the city treasurer at the time the application is filed.

(2) 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.

(3) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 18-102(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.

(4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(5) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer. (2000 Code, § 18-103)

18-104. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of five dollars (\$5.00) for a residential or commercial building sewer permit and fifteen dollars (\$15.00) for an industrial

building sewer permit shall be paid to the city treasurer at the time the application is filed.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as two building sewers.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The building sewer shall be cast iron soil pipe, ASTM specification (A74), or equal; or vitrified clay sewer pipe, ASTM specification (C13) or equal. All joints shall be tight and waterproof. Building sewers shall not be placed in the same trench with water service lines. If installed in filled or unstable ground, the building sewer shall be properly bedded as approved by the superintendent.

(7) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches (4"). The slope of such four-inch (4") pipe shall be not less than one-eighth inch (1/8") per foot.

(8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet (3') of any bearing wall which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(9) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12) except that no backfill shall be placed until the work has been inspected.

(10) All joints and connections shall be made gastight and watertight.

Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, federal specification (QQ-L-156), not less than one inch (1") deep. Lead shall be run in one (1) pouring and calked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

All joints in vitrified clay pipe shall be:

- (a) Factory made joints of materials having resilient properties as specified in ASTM 425;
- (b) Approved hot-poured joints;
- (c) Bituminous joints; or
- (d) Other acceptable joints.

All hot-poured joints shall be made in strict accordance with the manufacturer's instructions, using suitable recommended primers whenever the hazard of wet surfaces exists. All surfaces of the joint shall be cleaned and dried before pouring or each joint shall be poured completely in one (1) operation.

The hot-poured compounds used in jointing clay sewer pipes shall have a bond strength of not less than one hundred (100) psi when poured against a dry clay surface. These compounds shall be non-porous, non-absorbent and not subject to bacterial or chemical action.

The finished joint shall not soften so as to destroy its effectiveness when subjected to temperatures of one hundred sixty degrees Fahrenheit (160° F) and shall be chemically inert to wastes carried by the drainage system. Joints shall not be tested until one (1) hour after pouring.

Sulfur compounds are subject to bacterial attack and shall not be used. Cement mortar joints can be corroded by sewage and soil acids and are not recommended for use.

All jointing materials and methods to be used shall be approved by the superintendent.

(11) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches (12") in diameter or less, and no properly located "Y" branch in the public sewer at the location specified by the superintendent. Where the public sewer is greater than twelve inches (12") in diameter, and no "Y" branch is available, a neat hole may be cut into the street sewer to receive the building sewer, with entry in the downstream direction at proper angle. The correct clay fitting shall be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and water-tight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

(12) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(13) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course

of the work shall be restored in a manner satisfactory to the city. (2000 Code, § 18-104)

18-105. Use of the public sewer. (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall not be discharged to sanitary sewers. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent, to a storm sewer or natural outlet.

(3) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty degrees Fahrenheit (150° F);

(b) Any water or waste which may contain more than one hundred (100) parts per million by weight, of fat, oil, or grease;

(c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid solid or gas;

(d) Any garbage that has not been properly shredded;

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; or

(i) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(4) 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, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be

of a type and capacity approved by the superintendent and shall be so located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(5) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(6) The admission into the public sewers of any waters or wastes having:

(a) A five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight; or

(b) Containing more than three hundred fifty (350) parts per million by weight of suspended solids; or

(c) Containing any quantity of substances having the characteristics described in subsection (3) above; or

(d) Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the city, shall be subject to the review and approval of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

(i) Reduce the biochemical oxygen demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight;

(ii) Reduce the objectionable characteristic or constituents to within the maximum limits provided for in subsection (3) above; or

(iii) Control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the Water Pollution Control Commission of the State of Tennessee, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(7) Where preliminary treatment facilities are provided for any waters of wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole 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.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in subsections (3) and (6) above shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage*, and shall be determined at the control manhole provided for in subsection (8), 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.

(10) 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 of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. (2000 Code, § 18-105)

18-106. Protection from damage. 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 city sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (2000 Code, § 18-106)

18-107. 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. (2000 Code, § 18-107)

18-108. Violations and penalty. (1) Any person found to be violating any provision of this chapter, except § 18-106, shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined under the general penalty clause for this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (2000 Code, § 18-108)

CHAPTER 2

SEWER USE ORDINANCE

SECTION

- 18-201. Purpose and policy.
- 18-202. Administrative.
- 18-203. Definitions.
- 18-204. Proper waste disposal required.
- 18-205. Private domestic wastewater disposal.
- 18-206. Connection to public sewers.
- 18-207. Septic tank effluent pump or grinder pump wastewater systems.
- 18-208. Regulation of holding tank waste disposal or trucked in waste.
- 18-209. Discharge regulations.
- 18-210. Enforcement and abatement.

18-201. Purpose and policy. This chapter sets forth uniform requirements for users of the City of LaFollette, Tennessee, wastewater treatment system and enables the city to comply with the Federal Clean Water Act, 33 U.S.C. 1281, *et seq.*, and the state Water Quality Control Act, *Tennessee Code Annotated*, § 69-3-101, *et seq.*, and rules adopted pursuant to these acts.

The objectives of this chapter are:

- (1) To protect public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the city to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolids use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the City of LaFollette must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with LaFollette Utilities Board, dischargers of applicable wastewater to the wastewater treatment facility.

Chapter 3 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility.

Chapter 3 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

Chapter 3 also provides for the issuance of permits to food service establishments and other system users whose discharge may contain fats, oils and grease. (Ord. #2009-03, May 2009, modified)

18-202. Administrative. Except as otherwise provided herein, the local administrative officer of the LaFollette Utilities Board shall administer, implement, and enforce the provisions of this chapter. (Ord. #2009-03, May 2009)

18-203. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. §§ 1251, *et seq.*

(2) "Administrator." The administrator or the United States Environmental Protection Agency.

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized or duly authorized representative of industrial user:

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with

environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in paragraphs (a) to (c) above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-209 of this chapter. "BMPs" also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees Celsius (20° C) expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "City." The Board of Mayor and Councilmen, City of LaFollette, Tennessee.

(10) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant" shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

(14) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(15) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

(18) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(19) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(20) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(21) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(22) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. "Grab samples" will be required, for example, where the

parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building. See chapter 3, § 18-309.2(6).

(24) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less and is generally located inside the building. See chapter 3, § 18-309.2(7).

(25) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(26) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(27) "Indirect discharge." The introduction of pollutants into the WWF from any nondomestic source.

(28) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (33 U.S.C. § 1342).

(29) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

(30) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(31) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(32) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(33) "Local administrative officer." The chief administrative officer of the local hearing authority.

(34) "Local hearing authority." The General Manager of LaFollette Utilities Board, board members and LUB employees or such person(s) appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-305.

(35) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

(36) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

(37) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located;

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(38) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Clean Water Act as amended.

(39) "Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

(40) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(41) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(42) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(43) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(44) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

(45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(46) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(47) "Pretreatment standard or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act, 33 U.S.C. § 1362(4)). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes

of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See "WWF", Wastewater Facility, found in definition number (63), below.

(49) "Shall" is mandatory; "May" is permissive.

(50) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under section 205(l)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(52) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(53) "Standard Industrial Classification (SIC)." A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972.

(54) "State." The State of Tennessee.

(55) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(56) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(57) "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, and/or his duly authorized representative.

(58) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(59) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(60) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(61) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability. *Tennessee Code Annotated*, § 68-221-201.

(62) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(63) "Wastewater facility" Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or publicly owned treatment works.

(64) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(65) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (Ord. #2009-03, May 2009, modified)

18-204. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance or city or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in subsection (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the

provisions of this chapter. Where public sewer is available, property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) The owner of deed of all houses, buildings, or properties used for human occupancy, commerce, employment, recreation, or any other purpose, connected to the public sewer is hereby required at his expense to maintain his service connection in accordance with all current and future federal, state and local regulations. Where current or future regulations require repair or improvements, the owner shall within sixty (60) days after date of official notice to do so, make the required repair or improvement to their private service connecting to the public sewer. A regulation is considered "effective" once approved and implemented by any regulatory authority, agency, board or other entity having jurisdiction.

(6) Where a public sanitary sewer is not available under the provisions of subsection (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205.

(7) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, 33 U.S.C. §§ 1251, *et seq.*, the NPDES permit, and any other applicable local, state, or federal statutes and regulations. (Ord. #2009-03, May 2009, modified)

18-205. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-204(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the

applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department.

18-206. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service;

(i) Residential; and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the city.

Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents.

The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent.

Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Service connection fees for establishing new sewer service are paid to the city.

Industrial user discharge permit fees may also apply.

The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection.

If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(b) Users shall notify the city of any proposed new introduction of wastewater constituents or any proposed change in the volume or

character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The city may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective day of this ordinance. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first submitting a connection application to the city.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the city at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The city will inspect the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the

superintendent, to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system - four inches (4").

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades: four inch (4") sewers - one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six-inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried

by such building drain shall be lifted by an approved pump system according to § 18-207 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(j) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. (a) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet federal, state and local regulations as well as specifications of the city.

(b) Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(5) Sewer extensions. (a) All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and

procedures, the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system.

(b) All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>.

(c) Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines.

(d) Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines.

(e) Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager.

(f) The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the city.

(g) Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. #2009-03, May 2009)

18-207. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the city.

(1) Equipment requirements. (a) Septic tanks shall be of water-tight construction and must be approved by the city.

(b) Pumps must be approved by the city and shall be maintained by the owner.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership of the equipment and an easement for access to perform necessary maintenance or repair. Access by the city to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

- (5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.
- (b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.
- (c) Home or business owners shall be responsible for maintenance of drain lines from the building to the force main connector valve.
- (d) Prohibited uses of the STEP and GP system.
- (i) Connection of roof guttering, sump pumps or surface drains.
 - (ii) Disposal of toxic household substances.
 - (iii) Use of garbage grinders or disposers.
 - (iv) Discharge of pet hair, lint, or home vacuum water.
 - (v) Discharge of fats, grease, and oil.
- (6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the owner.
- (7) Additional charges. The owner shall be responsible for maintenance of the STEP and GP equipment. (Ord. #2009-03, May 2009)

18-208. Regulation of holding tank waste disposal or trucked in waste. (1) Generally. No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form.

Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-307. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to

empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of LaFollette.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping. (Ord. #2009-03, May 2009)

18-209. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-210 or 18-305. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Celsius (60° C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing

damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Celsius (40° C) (one hundred forty degrees Fahrenheit (104°F)) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Federal Clean Water Act, 33 U.S.C. § 1317(a).

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act the Clean

Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES Permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing 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.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation.

Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to Chapter 3 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. (a) No person or user shall discharge wastewater which exceeds the set of standards provided in Table A - Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 3 of this title.

(b) Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria

<i>Parameter</i>	<i>Maximum Concentration (mg/l)</i>
Benzene	.0188 mg/l
Cadmium	.0063 mg/l
Carbon tetrachloride	.0150 mg/l
Chloroform	.2237 mg/l
Chromium (total)	.3750 mg/l
Copper	.1661 mg/l
Cyanide	.0133 mg/l
Ethybenzene	.0400 mg/l
Lead	.0358 mg/l
Mercury	.0003 mg/l
Methylene chloride	.0962 mg/l
Naphthalene	.0125 mg/l
Nickel	.1865 mg/l
Phenol	.4545 mg/l
Silver	.0181 mg/l
Tetrachloroethylene	.1389 mg/l
Toluene	.3750 mg/l
Total phthalate	.1697 mg/l
Trichlorethlene	.1000 mg/l
1,1,1 -Tri chloroethane	.2500 mg/l
1,2 Transdichloroethylene	.0075 mg/l
Zinc	1.0526 mg/l

(Ord. #2009-03, May 2009, modified)

18-210. Enforcement and abatement. Violators of these wastewater regulations may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction, face fines, have sewer service terminated or the city may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 3.

Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main.

Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation.

The city may take any or all the following remedies:

(1) Cite the user to city or general sessions court, where each day of violation shall constitute a separate offense;

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service;

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user;

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system; or

(5) Where the owner of a property is in violation of § 18-206, upon notice to the owner when the utility board deems it necessary to protect the sewer system, LaFollette Utilities Board may make repairs or modification to the owner's service connection at the owner's expense.

In such circumstances where the owner fails repay the costs of such repairs or modifications, the utility board may attach the cost to the owner's water utility bill, place a lien against the property or employ any other commonly used method of debt collection to recover payment. (Ord. #2009-03, May 2009)

CHAPTER 3**INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS FATS,
OIL AND GREASE CONTROL PROGRAM****SECTION**

- 18-301. Industrial pretreatment.
- 18-302. Discharge permits.
- 18-303. Industrial user additional requirements.
- 18-304. Reporting requirements.
- 18-305. Enforcement response plan.
- 18-306. Enforcement response guide table.
- 18-307. Fees and billing.
- 18-308. Fats, oil and grease control program.
- 18-309. FOG management policy.
- 18-310. Food service establishment enforcement response Guide.

18-301. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this chapter, the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the general and specific discharge regulations specified in § 18-209 of this chapter.

(2) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of § 18-209, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-305.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as local limits, Table B or other applicable state and federal pretreatment rules which may take effect after the passage of this chapter.

Table B - Local Limits

<i>Pollutant</i>	<i>Daily Maximum Concentration (mg/l)</i>
Benzene	.0188 mg/l
Cadmium	.0063 mg/l
Carbon Tetrachloride	.0150 mg/l
Chloroform	.2237 mg/l
Chromium (total)	.3750 mg/l
Copper	.1661 mg/l
Cyanide	.0133 mg/l
Ethybenzene	.0400 mg/l
Lead	.0358 mg/l
Mercury	.0003 mg/l
Methylene chloride	.0962 mg/l
Napthalene	.0125 mg/l
Nickel	.1865 mg/l
Phenol	.4545 mg/l
Silver	.0181 mg/l
Tetrachloroethylene	.1389 mg/l
Toluene	.3750 mg/l
Total Phthalate	.1697 mg/l
Trichlorethlene	.1000 mg/l
1,1,1 - Trichoro ethane	.2500 mg/l
1,2 Transdichloroethylene	.0075 mg/l
Zinc	1.0526 mg/l

(5) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A - Plant Protection Criteria. Industrial users shall be subject to reporting

and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(6) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.

(7) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (Ord. #2009-03, May 2009)

18-302. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the city sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-206 and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be

refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-209 and 18-301 discharge variations - daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion

date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws;

(D) Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary; and

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Requirements for installation and maintenance of inspection and sampling facilities;

(C) Compliance schedules;

(D) Requirements for submission of technical reports or discharge reports;

(E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(F) Requirements for notification of the city sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of by-passing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions; and

(I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period

less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges; and

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter or the city's or user's NPDES permit; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater

constituents and characteristics will not be recognized as confidential information.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. (Ord. #2009-03, May 2009)

18-303. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good

working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The city will utilize qualified city personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator 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 monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within ninety (90) days of start up of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance.

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to

prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #2009-03, May 2009)

18-304. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-305.

(1) Baseline monitoring report. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(l)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to

discharge to the WWF shall submit to the superintendent a report which contains the information listed in subsection (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in subsection (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below:

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants:

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard.

Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards.

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods.

(H) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (2) below.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with subsection (14) below and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by subsection (1)(d) above:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(b) No increment referred to above shall exceed nine (9) months.

(c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(d) In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-304(1)(b)(iv) and (v) of this chapter. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the Superintendent, submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this chapter.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change. (a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-301 of this chapter.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-302 of this chapter or modify an existing wastewater discharge permit under § 18-302 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (6)(a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent, as the superintendent may require, to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-304(5) of this chapter. The notification requirement in this section does not apply to pollutants already reported by users

subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-304(1), 18-304(3), and 18-304(4) of this chapter.

(b) Dischargers are exempt from the requirements of subsection (a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6921, identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless

time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Record-keeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-308. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples: the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements; signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements. (Ord. #2009-03, May 2009, modified)

18-305. Enforcement response plan. Under the authority of *Tennessee Code Annotated*, §§ 69-3-123 *et seq.*

(1) Complaints; notification of violation; orders. (a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the wastewater regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in § 18-305(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in *Tennessee Code Annotated*, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the city or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement

with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the city in meeting the emergency.

(ii) Appeals from orders of the local administrative officer:

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2) below. The local administrative officer's order shall remain in effect during the period of reconsideration.

(C) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or

service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subdivision (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Campbell County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b); and

(viii) Any person to whom an emergency order is directed under § 18-305(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in *Tennessee Code Annotated*, §§ 27-8-101, *et seq.* within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violations) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should 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. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations; administrative civil penalty. Under the authority of *Tennessee Code Annotated*, § 69-3-125. (a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

- (A) Unauthorized discharge, discharging without a permit;
- (B) Violates an effluent standard or limitation;
- (C) Violates the terms or conditions of a permit;
- (D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned

treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of *Tennessee Code Annotated*, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by *Tennessee Code Annotated*, § 69-3-115(a) shall not exceed ten thousand dollars (\$ 10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the city resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local

administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-302(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations or a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-209; or
- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties -- special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance. (a) Insignificant non-compliance: for the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8:

- (i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric

pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-305(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed in four (4) hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

(9) Public notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months, were in

significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (C), (D) or (H) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-307 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of WWF personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to accurately report noncompliance; or

(g) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(h) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (Ord. #2009-03, May 2009)

18-306. Enforcement response guide table. (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this chapter.

(2) Enforcement response guide table.¹ The applicable officer shall use the schedule found in Appendix A to impose sanctions or penalties for the violation of this chapter. (Ord. #2009-03, May 2009)

18-307. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include, but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees (see Table C);
- (e) Waste hauler permit;
- (f) Industrial wastewater discharge permit fees;
- (g) Fees for industrial discharge monitoring; and
- (h) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-302 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges.² The board of mayor and council shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-307 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to

¹The enforcement response guide table may be viewed in the office of the recorder.

²Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city recorder.

compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violations are categorized in the enforcement response guide table (Appendix A). The local administrative officer may assess a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty
Category 2	\$50.00 to \$500.00
Category 3	\$500.00 to \$1,000.00
Category 4	\$1,000.00 to \$5,000.00
Category 5	\$5,000.00 to \$510,000.00

(Ord. ##2009-03, May 2009)

18-308. Fats, oil and grease control program. (1) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging,

damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied;

(C) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers;

(D) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system;

(E) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner

shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law. The city retains the right to inspect and approve installation of control equipment;

(F) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the city is prohibited; and

(G) The superintendent may use industrial wastewater discharge permits under §§ 18-302 or 18-309 to regulate the discharge of fat, oil and grease. (Ord. #2009-03, May 2009)

18-309. FOG management policy. The LaFollette Utilities Board Fats, Oils and Grease Management Policy is established under North American Industry Classification System (NAICS) guidelines to prohibit obstruction and interference to the publicly owned treatment works. In addition, this Fats, Oils and Grease Management Policy was adopted in response to the Tennessee Department of Environment and Conservation's Director's Order #04-025D and Assessment of civil penalty, issued to the City of LaFollette on October 1, 2004.

(1) Scope and purpose. To prevent sanitary and combined sewer system blockages, obstructions and overflows due to the contribution and accumulation of fats, oils and grease (FOG) from food service establishments, commercial facilities and industrial facilities.

(2) Definitions. (a) "Fats, Oils, and Grease (FOG)." Organic polar compounds derived from animal and/or plant sources. FOG may be referred to as "grease" or "greases" in this section.

(b) "Food Service Establishment (FSE)." Any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the director. Food service establishments will be classified as follows:

Class 1: Deli - engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by NAICS 72213, mobile food vendors as defined by NAICS 722330

Class 2: Limited-service restaurants (a.k.a. fast food facilities) as defined by NAICS 722211 and caterers as defined by NAICS 722320

Class 3: Full service restaurants as defined by NAICS 722110

Class 4: Buffet and cafeteria facilities as defined by NAICS 72212
Class 5: Institutions (schools, hospitals, prisons, etc.) as defined by NAICS 722310 but not to exclude self-run operations.

(c) "(Brown) grease." Fats, oils and grease that is discharged to the grease control equipment, or is from kitchen or food prep wastewater.

(d) "(Yellow) grease." Fats, oils and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc..) and can be recycled.

(e) "Grease Control Equipment (GCE)." A device for separating and retaining wastewater FOG prior to wastewater exiting the FSE and entering the LaFollette Utilities Board sewer system. The GCE is so constructed as to separate and trap or hold fats, oils and grease substances from entering the LaFollette Utilities Board sewer system. Devices include grease interceptors, grease traps, or other devices approved by the director.

(f) "Grease interceptor. " Grease control equipment identified as a large tank, usually one thousand (1,000) gallon to two thousand (2,000) gallon capacity with proper inlet and outlet Ts, that provides FOG control for a FSE. Grease interceptors will be located outside the FSE, unless a variance request has been granted.

(g) "Grease trap. " Grease control equipment identified as an "under the sink" trap, a small container with baffles, or a floor trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a twenty (20) gallon per minute/forty (40) pound capacity trap. All grease traps will have flow control restrictor and a vent pipe.

(h) "Grease recycle container. " Container used for the storage of yellow grease.

(i) "NAICS." North American Industry Classification System. The website is found at: (<http://www.census.gov/epcd/www/naics.htm3>)

(j) "Tee or T (influent and effluent)." A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG. Influent and effluent T's are recommended to be made of PVC or equivalent material, and extend to within twelve inches to fifteen inches (12" to 15") of the bottom of the interceptor.

(k) "(Black) water." Wastewater containing human waste, from sanitary fixtures such as toilets and urinals.

(l) "(Gray) water" refers to all other wastewater other than black water as defined in this section.

(3) General requirements. (a) All existing Food Service Establishments (FSEs) are required to have Grease Control Equipment (GCE) installed, maintained and operating properly.

(b) All FSEs will be required to maintain records of cleaning and maintenance of GCE. GCE maintenance records include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, amount or volume of grease wastewater removed. A grease waste hauler completed manifest will meet this requirement.

(c) GCE maintenance records will be available at the FSE premises so they can be provided to LaFollette Utilities Board personnel or their representative, and/or the health department. The FSE shall maintain GCE maintenance records for three (3) years.

(d) No FSE will discharge oil and grease in concentrations that exceed the City of LaFollette instantaneous grab limit for oil and grease.

(e) All FSEs are required to dispose of yellow grease in an approved container, where contents will not be discharged to any storm water grate, drain or conveyance. Yellow grease, or any oils or grease, poured or discharged into the FSE sewer lines or LaFollette Utilities Board sewer system is a violation of this chapter.

(4) New food service establishment, upgrading of existing food service establishment or change of ownership of existing food service establishment requirement. Any new FSE, upgrading of an existing FSE or change of ownership of existing FSE will be required to install and maintain a grease interceptor. Food service establishments in one (1) of these categories must submit a FOG plan to LaFollette Utilities Board for approval. The FOG plan includes identification of all cooking and food preparation equipment (i.e., fryers, grills, woks, etc.); the number and size of dishwashers, sinks, floor drains, and other plumbing fixtures; type of FSE classification; type of food to be served; and plans for the grease interceptor dimensions and location. LaFollette Utilities Board will review the FOG plan, grease interceptor sizing and approve, or make changes as necessary to aid in the protection of a FOG discharge from the FSE.

Existing food service establishments will be phased in to compliance through their FSE permit and a compliance schedule. The compliance schedule will be determined by the FSE-ERG as defined in § 18-310 of this section.

(5) Variance to grease interceptor installation. At the discretion of the Director, some FSEs may receive a variance from the required installation of a grease interceptor.

(6) Grease control equipment sizing. Minimum acceptable size of grease control equipment for each FSE Classification will be as follows:

Class 1: Deli, ice cream shops, beverage bars, mobile food vendors: twenty (20) gallons per minute/forty (40) pound grease trap.

Class 2: Limited service restaurants/caterers: one thousand (1,000) gallon grease interceptor.

Class 3: Full service restaurants: one thousand (1,000) gallon grease interceptor.

Class 4: Buffet and cafeteria facilities: one thousand five hundred (1,500) gallon grease interceptor.

Class 5: Institutions (schools, hospitals, prisons, etc.): two thousand (2,000) gallon grease interceptor.

To calculate the appropriate size GCE, the following formula will be used: fixture units (total) x facility type multiplier x 36 (retention time) = size of interceptor (gals.)

Should the size of the interceptor calculate to four hundred ninety-nine (499) gallons or less with the formula above:

Size of interceptor (gals.) x 0.75 (max. cap. of sink) = Flow (gpm) x hours (work day) = Acceptable flow rate with retention time.

(7) Grease control equipment specifications. (a) Grease control equipment must remove fats, oils, and grease at or below the city of enforcement action in accordance with the LUB *Food Service Establishment Enforcement Response Guide*.

(b) Grease traps must have the Plumbing Drainage Institute certification. The minimum acceptable size is rated at twenty (20) gpm/forty (40) pounds. All grease traps will be installed as per manufacturer specifications, which includes the flow restrictor and venting prior to the discharge entering the grease trap.

(8) Grease interceptors piping design. (a) The inlet and outlet piping shall have two-way cleanout tees installed

(b) The inlet piping shall enter the receiving chamber two and one-half inches (2 1/2") above the invert of the outlet piping.

(c) On the inlet pipe, inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown.

To provide air circulation and to prevent "air lock," a pipe (nipple) installed in the top tee shall extend to a minimum of six inches (6") clearance from the interceptor ceiling, but not less than the inlet pipe diameter.

A pipe installed in the bottom of the tee shall extend to a point of two-thirds (2/3) the depth of the tank. See illustration.

(d) The outlet piping shall be no smaller than the inlet piping, but in no case smaller than four inches (4") ID.

(e) The outlet piping shall extend to twelve inches (12") above the floor of the interceptor and shall be made of a non-collapsible material.

(f) The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee to extend to a minimum of six inches (6") clearance from the interceptor ceiling, but not less than the pipe diameter, with the top open. See illustration.

(9) Baffles. (a) The grease interceptor shall have a non-flexing (i.e., Concrete, steel, etc.) baffle the full width of the interceptor, sealed to the walls and the floor, and extend from the floor to within six inches (6") of the ceiling.

The baffle shall have an inverted ninety degree (90°) sweep fitting at least equal in diameter size to the inlet piping, but in no case less than six inches (6") ID.

The bottom of the sweep shall be placed in the vertical position in the inlet compartment twelve inches (12") above the floor.

The sweep shall rise to the horizontal portion, which shall extend through the baffle into the outlet compartment.

The baffle wall shall be sealed to the sweep. See illustration below.

(b) The inlet compartment shall be two-thirds (2/3) of the total liquid capacity with the outlet compartment at one-third (1/3) liquid capacity of the interceptor.

(10) Access openings (manholes). (a) Access to grease interceptors shall be provided by a minimum of one (1) manhole per interceptor division (baffle chamber) and of twenty-four inches (24") minimum dimensions terminating one inch (1") above finished grade with cast iron frame and cover. An eight-inch (8") thick concrete pad extending a minimum of twelve inch (12") beyond the outside dimension of the manhole frame shall be provided. One (1) manhole shall be located above the inlet tee hatch and the other manhole shall be located above the outlet tee hatch. A minimum of twenty-four inches (24") of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning, pumping, and inspections.

(b) Access openings shall be mechanically sealed and gas tight to contain odors and bacteria and to exclude vermin and ground water, in a manner that permits regular re-uses.

(c) The manholes are to be accessible for inspection by the Department.

(11) Additional requirements. (a) Water-tight: precast concrete grease interceptors shall be constructed to be water-tight. A static water test shall be conducted by the installer and timed so as to permit verification through visual inspection by regulatory agent. The water test shall consist of plugging the outlet (and the inlet if necessary) and filling the tank(s) with water to the tank top a minimum of twenty-four (24) hours before the inspection. The tank shall not lose water during this test period. Certification by the plumbing contractor shall be supplied to the LUB prior to final approval of grease control equipment.

(b) Location: grease control equipment shall be located so as to be readily accessible for cleaning, maintenance, and inspections. They should be located close to the fixture(s) discharging the greasy wastestream.

(c) Responsibility: removal of the grease from the wastewater routed to a public or private sanitary system is the responsibility of the user/owner.

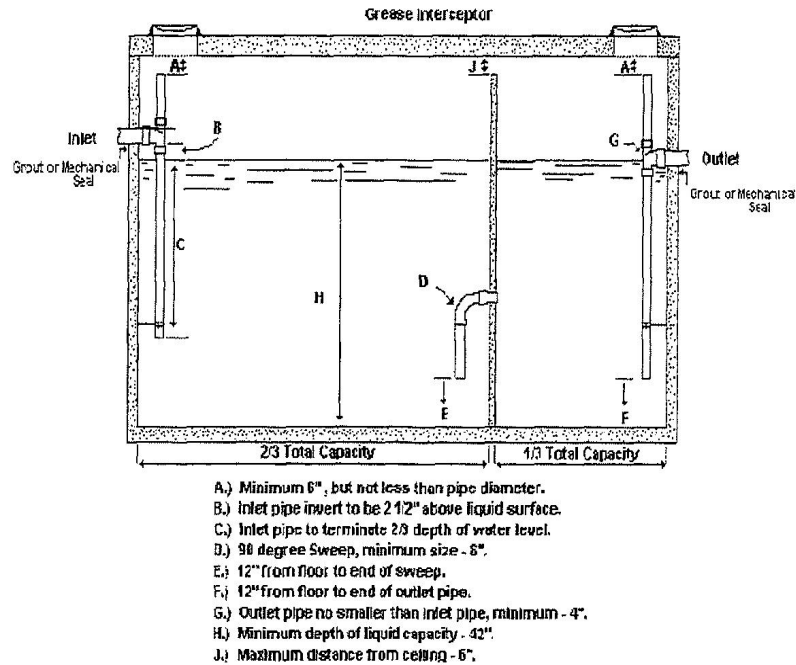
(d) Construction material: grease interceptors shall be constructed of sound durable materials, not subject to excessive corrosion or decay, and shall be water and gas tight. Each interceptor shall be structurally designed to withstand any anticipated load to be placed on the interceptor (i.e. vehicular traffic in parking or driving areas).

(12) Grease interceptor cleaning/maintenance requirements. (a) Grease interceptor minimum size will be one thousand (1,000) gallon capacity, and maximum size will be two thousand five hundred (2,500) gallon capacity. If the FSE needs additional capacity, then grease interceptors will be installed in series.

(b) Partial pump of interceptor contents or on-site pump and treatment of interceptor contents will not be allowed due to reintroduction of fats, oils and grease to the interceptor and pursuant to the Code Federal Regulation (CFR) section 403.5(b)(8), which states:

"Specific prohibitions - In addition, the following pollutants shall not be introduced into a POTW: Any trucked or hauled pollutants, except at discharge points designated by the POTW."

(c) Grease interceptors must be pumped-in fill when the total accumulations of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor's overall liquid depth. This criterion is referred to as the "25 percent rule." At no time, shall the cleaning frequency exceed ninety (90) days unless approved by LaFollette Utilities Board. Approval will be granted on a case by case situation with submittal by the FSE documenting proof of proposed frequency. Some existing FSEs in Class 2 through 5 will need to consider monthly pumping to meet this requirement.

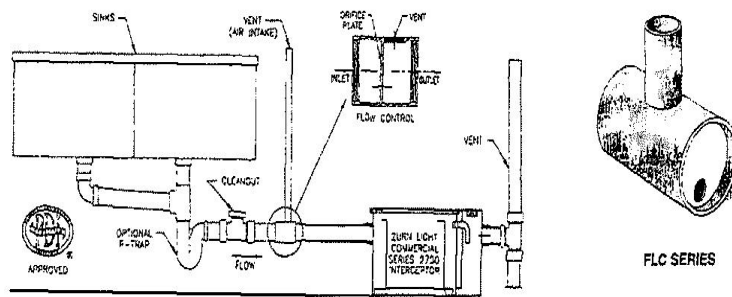


(d) Grease interceptor effluent-T will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler's company or individual conducting the maintenance. Effluent-T's that are loose, defective, or not attached must be repaired or replaced immediately.

(e) Grease interceptors must have access manholes over the influent-T and effluent-T for inspection and ease of cleaning/maintenance. Access manholes will be provided for all separate compartments of interceptors for complete cleaning (i.e., interceptor with two (2) main baffles or three (3) compartments will have access manholes at each compartment).

(13) Grease trap cleaning/maintenance requirements.

(a) All grease traps will have flow control restrictor and vented. Failure to have the flow restrictor and venting will be considered a violation.



(b) Grease trap minimum size requirement is a twenty (20) gallon per minute/forty (40) pound capacity trap.

(c) Grease traps will be cleaned of complete fats, oils, and grease and food solids at a minimum of every two (2) weeks, unless less cleaning frequency is authorized by LUB. If the FOG and food solids content of the grease trap is greater than fifty percent (50%), then the grease trap must be cleaned every week, or as frequently as needed to prevent fifty percent (50%) of capacity being taken from FOG and food solids.

(d) Grease trap waste should be sealed or placed in a container to prevent leachate from leaking, and then disposed.

(e) Grease trap waste should not be mixed with yellow grease in the grease recycle container.

(14) Food service establishment FOG permits and inspections. The LaFollette Utilities Board may issue FOG permits to food service establishments to control FOG discharges to the LaFollette sewer system, prevent obstruction and interference to the POTW, and prevent sanitary sewer overflows. The LaFollette Utilities Board may establish food service establishment FOG permit classifications, or issue general FOG permits to each food service establishment. Also, the LaFollette Utilities Board, or their authorized representative, will conduct inspections of food service establishments for grease control equipment installation and maintenance, types of food served and preparation of food, impact to the city sewer system, and review of best management practices. The LaFollette Utilities Board, or their authorized representative, has the right to enter the food service establishments' premises to determine impacts to the city sewer system. The LaFollette Utilities Board will conduct any additional monitoring of the food service establishment to determine compliance with the FOG management policy.

(15) Fees. The LaFollette Utilities Board may charge FOG permit, inspection or monitoring fees to the food service establishments to get reimbursement for the FOG program costs.

(16) "Additives" prohibition for use as grease management and control.

(a) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria.

(b) At no time will additives be used just prior to under the sink or floor grease traps.

(c) The use of additives is prohibited with the following exceptions:

(i) Additives may be used to clean the FSE drain lines but only in such quantities that it will not cause fats, oils and grease to be discharged from the grease control equipment to the sewer system, or cause temporary breakdown of FOG that will later re-congeal in the downstream sewer system.

(ii) If the product used can be proven to contain one hundred percent (100%) bacteria, with no other additives. Approval of the use of the product must come from the director and FSE must submit a full disclosure MSDS and certified sample results from the manufacturer of the product.

(d) The use of approved additives will in no way be considered as a substitution to the maintenance procedures required herein.

(17) Enforcement action. Enforcement action against the FSE includes, but is not limited to, failure to clean or pump grease control equipment, failure to maintain grease control equipment including inspection and installation of properly functioning effluent-T and baffles, failure to install grease control equipment, failure to control FOG discharge from the FSE, contributing to a sewer line blockage or obstruction, contributing to a sanitary sewer overflow, and use of additives in such quantities so that FOG is pushed downstream of the FSE.

(18) Fats, oils and grease blockage in downstream manhole from FSE. If FSE inspections and field investigations by LUB, or their authorized representative, determine that any fats, oils and grease interference or blockage in the sewer system, a sewage pumping station, or the wastewater treatment plant is caused by a particular food service establishment, then that food service establishment shall reimburse LaFollette Utilities Board for all labor, equipment, supplies and disposal costs incurred by LaFollette Utilities Board to clean the interference or blockage. The charges will be added to the FSEs water/wastewater bill. Failure to reimburse the LaFollette Utilities Board will result in termination of water service.

(19) FSE failure to maintain GCE after Notification or NOV due date. If a FSE fails to pump, clean or maintain their GCE after a noncompliance notification or notice of violation due date, LaFollette Utilities Board may chose to pump/clean the GCE to prevent additional FOG problems downstream. The FSE will be charged for the cost of pumping and maintaining the FSE's GCE at a rate of one and one-half (1 1/2) times the cost to LaFollette Utilities Board. Mechanical failure of the GCE will be considered a violation of the City of LaFollette Sewer Use Ordinance which pertains to the construction and maintenance of pretreatment facilities and subject to penalties of up to ten thousand dollars (\$10,000.00) per day for each day in violation.

(20) Penalties. Penalties will be issued as per the LaFollette Utilities Board FSE *Enforcement Response Guide*. (Ord. #2009-03, May 2009)

18-310. Food Service Establishment Enforcement Response Guide. This Food Service Establishment Enforcement Response Guide (FSE-ERG) was developed to ensure a consistent response to all food service establishments that cause, or have the potential to cause, interference, obstruction, sanitary sewer overflows, by-passes, or stormwater inflow to the LaFollette Utilities Board wastewater collection system and WWTP. Food

service establishments are nondomestic users and are monitored by the LaFollette Utilities Board Pretreatment Section. This FSE-ERG is intended to be used for food service establishments only. Refer to the LaFollette Utilities Board Fats, Oils and Grease Management Policy for additional information on the LaFollette Utilities Board FOG management program.

(1) Significant noncompliance of wastewater discharge limits. The EPA has defined "significant noncompliance" as violations that meet one (1) or more of the following criteria: "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-305(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

Generally, an isolated instance of noncompliance or a Category 0 violation can be met with an informal response or Noncompliance Notification (NCN). Any Category 1 to Category 4 violations should be responded to with an enforceable order that requires a return to compliance by a specific deadline.

(2) Non-Compliance Notification (NCN). Generally issued by the inspector/field personnel, the Noncompliance Notification (NCN) is an official communication from LUB to the non-compliant user that deficiencies have been identified. Most NCN;s allow the non-compliant user a thirty (30) day period to respond to the deficiencies. Failure to respond to an NCN will result in the issuance of a notice of violation. NCNs may be issued to food service establishments for the following deficiencies:

- (a) Grease interceptor effluent (outlet) T not acceptable;
- (b) Grease interceptor effluent (outlet) T not visible or accessible for inspection;
- (c) Grease interceptor mid-wall baffle or side walls indicates deterioration of concrete;
- (d) Grease interceptor FOG and food solids layer are greater than twenty-five percent (25%) of the capacity of the interceptor tank; or interceptor was not pumped within last ninety (90) days;
- (e) FOG evident in downstream sewer line from this facility;
- (f) Facility has no grease control equipment installed;
- (g) No records of interceptor or trap maintenance available at the facility;
- (h) Sewer cleanout covers missing or damaged, allowing rainfall inflow to sanitary sewer; and
- (i) FOG on ground, around recycle bin or dumpster, causing stormwater impact.

(3) Notice of Violation (NOV). Generally issued by the inspector/field personnel, the Notice of Violation (NOV) is an official communication from the department to the non-compliant user that informs the user that the pretreatment violation has occurred. The NOV is issued for relatively minor or infrequent violations of pretreatment standards and requirements and should be issued within five (5) working days of the identification of a violation. A NOV does not contain assessment of penalties or cost recovery. The NOV provides the user with an opportunity to correct the noncompliance on its own initiative rather than according to a schedule of actions determined by the department. The NOV documents the initial attempts of the department to resolve the noncompliance. Authenticated copies of NOV's may serve as evidence in judicial proceedings.

(4) Schedule of compliance. A schedule of compliance is a detailed list of the steps to be taken by a non-compliant industry whereby compliance with all pretreatment regulations will be achieved. This schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for components, commencing construction, etc.).

(5) Administrative penalties. An administrative penalty is a monetary penalty assessed by the department for violations of pretreatment standards and requirements. Administrative penalties are to be used as an escalated enforcement action and are punitive in nature and are not related to a specific cost borne by the department. Instead, the amount of the penalty should recapture any economic benefit gained by noncompliance and/or deter future violations. An administrative order is to be used to assess an administrative penalty.

(6) Administrative orders. Administrative Orders (AO) are to be issued by the industrial waste coordinator, or the director. Administrative orders are enforcement documents that direct users to undertake and/or to cease specified activities. Administrative orders are to be used as the first formal response to significant noncompliance, and may incorporate compliance schedules, administrative penalties, assessments for costs incurred during investigation and/or enforcement, attorney's fees, assessments for damages and termination of service. The department has adopted four (4) general types of AOs: compliance orders, show cause orders, cease and desist orders, and agreed orders.

(7) Compliance order. A compliance order directs the user to achieve or restore compliance by a specified date and is the primary means of assessing penalties and costs. The compliance order will document the noncompliance and state required actions to be accomplished by specific dates and is issued by the director.

(8) Show cause order. An order to show cause directs the user to appear before the department, explain its noncompliance, and show cause why more severe enforcement action should not be pursued. The hearing is open to the public and may be formal (i.e., conducted according to the rules of evidence, with verbatim transcripts and cross-examination of witnesses) or informal. The results of all hearings, along with any data and testimony (recorded by tape machine or stenographer) submitted as evidence, are available to the public and may serve as evidentiary support for future enforcement actions.

(9) Cease and desist order. A cease and desist order directs a noncompliant user to cease illegal or unauthorized discharge immediately or to terminate discharge altogether. To preserve the usefulness of this order in emergency situations, penalties should not be assessed in this document. A cease and desist order will be used in situations where the discharge is causing

interference, pass through, environmental harm, or otherwise creating an emergency situation. The order may be issued immediately upon discovery of an emergency situation or following a hearing. In an emergency, the order to cease and desist may be given by telephone with a subsequent written order to be served by the department before the close of business on the next working day. If the user fails to comply with the order, the department may take independent action to halt the discharge.

(10) Agreed order. The agreed order is an agreement between the department and the user. The agreed order normally contains three elements:

- (a) Compliance schedules with specific milestone dates;
- (b) Stipulated penalties, damages, and/or remedial actions; and
- (c) Signature by the director and the user representative. An

agreed order is appropriate when the user assumes the responsibility for its noncompliance and is willing (in good faith) to correct the causes.

(11) Penalty assessment. Determining a penalty amount that reflects the violation's significance is extremely important. If the penalty is too small, its deterrent value is lost and the user may regard the amount as a tax or nominal charge to pollute. If the penalty is too great, it could bankrupt the industry (making necessary investment in pretreatment equipment impossible or potentially forcing unnecessary closure). The department has categorized the various types of violations, and assigned a penalty range to each category. Penalty categories are determined by using the Enforcement Response Table (attached). All penalty assessments will be approved and signed by the Director or his designee. Penalty amounts are considered to be an economic deterrent to the illegal activity. Penalty ranges have been designed to recover any economic benefit gained by the violator through non-compliance.

CATEGORY 0	=	NO PENALTY
CATEGORY 1	=	\$100.00 to \$500.00
CATEGORY 2	=	\$100.00 to \$1,000.00
CATEGORY 3	=	\$100.00 to \$10,000.00
CATEGORY 4	=	DIRECT LEGAL ACTION - Any penalties and/or costs to be assessed at the maximum penalty allowable by applicable law and included as part of the legal action.

Assessments for damages or destruction of the facilities of the POTW, and any penalties, costs, and attorney's fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcement, are not part of this penalty assessment procedure.

(12) Abbreviations.

- (a) LUB: LaFollette Utilities Board.
- (b) FSE: Food Service Establishment.
- (c) NCN: Noncompliance Notification.
- (d) NOV: Notice of Violation.
- (e) AO: Administrative Order.
- (f) FOG: Fats, oils and grease.
- (g) FSE: Food Service Establishment.
- (h) GCE: Grease Control Equipment.
- (i) POTW: Publicly Owned Treatment Works.
- (j) SC: Show Cause.
- (k) SPS: Sewerage Pumping Station.
- (l) WWTP: Wastewater Treatment Plant.

(13) LaFollette Utilities Board Food Service Establishment Enforcement Response Guide.

Incident:

- (a) Failure to install grease control equipment;
- (b) Grease interceptor structural failure (baffle wall collapsed, walls deteriorated, tank leaking, infiltration/inflow in tank);
- (c) Failure to install proper effluent (outlet T); or
- (d) No access to effluent (outlet T) to determine compliance.

	<i>Incident</i>	<i>Category Level</i>	<i>Action Taken</i>
A.	Initial notification - noncompliance notification of problem, with response due date.	0	Issue NCN - 30-day deadline for response
B.	Second notification - failure to comply with NCN; issue NOV and 15 additional days to comply.	1	Issue NOV-15-day deadline
C.	Third notification - issue \$500 AO and 30 additional days; issue AO to comply.	2	Issue AO \$500
D.	Fourth notification - failure to comply with AO; issue \$250/day penalty.	3	\$250/day

(e) Facility contributing FOG to downstream manhole, SPS, or WWTP. Classify degree of impact for appropriate response:

	<i>Impact</i>	<i>Category Level</i>	<i>Action Taken</i>
A.	Slight FOG impact (slight coating of FOG in POTW less than 1/2" coverage - 1/2 of pipe)	0	Issue NCN - 30 days for response
B.	Moderate FOG impact (moderate coating FOG in POTW, less than 1/2" coverage - 1/2" of pipe)	2	NOV - 30 day deadline reimburse cleaning costs to city, require interceptor mid-wall sweep.
C.	Heavy FOG impact (heavy coating FOG in POTW, causing obstruction and/or interference in sewer line)	3	Reimburse cleaning costs to city and AO \$1,000 Require interceptor; mid-wall sweep
D.	Fourth notification - failure to comply with AO; issue \$250/day penalty.	3	\$250/day

(f) Grease control equipment not maintained (pumped or cleaned).

*Interceptor has > 25% FOG and solids, or > 90 days *Trap cleaned > monthly

	<i>Impact</i>	<i>Category Level</i>	<i>Action Taken</i>
A.	1 incident within 24 month period	0	NCN - 30 days
B.	2 incidents within 24 month period	1	NOV - 15 days
C.	3 incidents within 24 month period	2	NOV - \$500
D.	4 incidents within 24 month period.	3	\$250/day

E.	5 incidents within 24 month period	4	LUB pumps GCE Charges FSE, + \$1,000
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(g) Failure to respond to any notification letter within thirty (30) days escalation of enforcement.

(h) No records of grease control equipment maintenance or cleaning at facility.

	<i>Impact</i>	<i>Category Level</i>	<i>Action Taken</i>
A.	1 incident within 24 month period	0	NCN - 30 days
B.	2 incidents within 24 month period	1	NOV - 15 days
C.	3 incidents within 24 month period	2	NOV - \$100
D.	4 incidents within 24 month period.	3	NOV - \$250/day
E.	5 incidents within 24 month period	4	NOV - \$500

(i) Failure to allow access for inspectors to adequately: 4; Show Cause assess grease control equipment

(j) Safety hazard at grease control equipment area (i.e. missing: Notify Health manhole cover, manhole cover damaged or not made of Dept/Codes material of suitable strength) and issue NCN

(k) Facility in violation of numerical FOG limit.

	<i>Limit Violation</i>	<i>Category Level</i>	<i>Action Taken</i>
A.	FOG concentration in excess of limit but less than 2x of limit	1	NOV - \$100

B.	FOG concentration between 2x to 4x of limit	1	NOV - \$250
C.	FOG concentration in excess of 4x limit	3	NOV - \$300-\$500

(l) Facility using additives or chemicals that emulsify or otherwise cause FOG to be discharged to the city sewer system: 3, show cause.

(m) Failure of new facility, or an existing facility that upgrades their facility, to notify LUB, or submit information: 1; Issue NOV and require GCE Grease Control Equipment Inquiry.

(n) Missing or damaged sewer cleanout covers, or any rainfall inflow to city sewer.

	<i>Impact</i>	<i>Category Level</i>	<i>Action Taken</i>
A.	First notification	0	NCN - 30 days
B.	Second notification	1	NOV - 15 days
C.	Third notification	3	NOV - \$500 (repeat penalty after every 15 days if unresolved)

(Ord. #2009-03, May 2009)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Compliance.
- 18-403. Regulated.
- 18-404. Statement required.
- 18-405. Inspections.
- 18-406. Right of entry.
- 18-407. Violations.
- 18-408. Contamination containment.
- 18-409. Protection.
- 18-410. Violations and penalty.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

(4) "Inter-connection." 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.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the City of LaFollette, Tennessee for general use and which supply is

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

recognized as the public water supply by the Tennessee Department of Health. (2000 Code, § 18-301)

18-402. Compliance. The City of LaFollette, Tennessee Public Water Supply is to comply with *Tennessee Code Annotated*, §§ 68-221-701 to 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, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (2000 Code, § 18-302)

18-403. Regulated. It shall be unlawful for any person to cause a cross-connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the Superintendent of the LaFollette Water Department of the City of LaFollette, Tennessee. (2000 Code, § 18-303)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of the City of LaFollette Waterworks a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (2000 Code, § 18-304)

18-405. Inspections. It shall be the duty of the LaFollette Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of the LaFollette Public Water Supply and as approved by the Tennessee Department of Health. (2000 Code, § 18-305)

18-406. Right of entry. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the LaFollette Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (2000 Code, § 18-306)

18-407. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the LaFollette 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 LaFollette 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, inter-connections, auxiliary intakes, or by-passes 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 corrected immediately. (2000 Code, § 18-307)

18-408. Contamination containment. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Superintendent of the LaFollette Public Water Supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective 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 the Public 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 LaFollette 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 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 (1) unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device.

The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Superintendent of the LaFollette Public Water Supply.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, by-passing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the LaFollette Public Water Supply. (2000 Code, § 18-308)

18-409. Protection. 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

Minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (2000 Code, § 18-309)

18-410. Violations and penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined accordingly. (2000 Code, § 18-310)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. GAS.

CHAPTER 1

GAS¹

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the city council shall grant.² (2000 Code, § 19-101)

¹Municipal code reference
Gas code: title 12.

²The agreements are of record in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. TELEPHONE FRANCHISE.
2. CUTTING AND TRIMMING OF TREES.
3. PUBLIC RECORDS POLICY.
4. PARKS AND RECREATION.
5. SHORT-TERM RENTAL POLICY.

CHAPTER 1

TELEPHONE FRANCHISE

SECTION

20-101. To be furnished under franchise.

20-101. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (2000 Code, § 20-101)

¹The agreements are of record in the office of the city recorder.

CHAPTER 2

CUTTING AND TRIMMING OF TREES

SECTION

20-201. Permit required, fee, duration, etc.

20-202. Disposal of limbs, etc.

20-203. Prohibition against cutting trees on private property.

20-204. Additional pickup guidelines.

20-205. Violations and penalty.

20-201. Permit required, fee, duration, etc. No person, firm, or corporation shall cut trees for hire in the City of LaFollette without first filing an application with the city recorder on a form provided by the city and paying the sum of twenty-five dollars (\$25.00) 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. (2000 Code, § 20-301)

20-202. Disposal of limbs, etc. Any person, firm, or corporation within the corporate limits of the City of LaFollette 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. (2000 Code, § 20-302)

20-203. Prohibition against cutting trees on private property. City employees may not cut trees on private property, unless in the opinion of the public works director and/or the chief of police, it appears that a tree is in imminent danger of falling across a public street. City employees may not otherwise go onto private property to cut trees or remove limbs, cuttings, and other debris. (2000 Code, § 20-303)

20-204. Additional pickup guidelines. (1) Brush cannot be mixed with other material such as household trash, furniture or construction material.

(2) Do not place brush and limbs in ditches, around or on top of structures such as mailboxes, fences, meter lids, utility lines, utility poles, drainage grates, etc.

(3) Do not place brush/limbs longer than ten feet (10') in length or twelve inches (12") in diameter. Property owner or its contractor is responsible for removal and proper disposal of any brush/limbs that exceed this size.

(4) Do not place brush under low lying power lines and/or cable lines to allow room for equipment to work.

(5) Brush/limb piles must be placed parallel to the road and may not exceed ten by ten feet (10' x 10').

(6) Brush/limbs taken down by contractor or landscaper are not included in the brush collection program and will not be collected. (Ord. #2021-06, July 2021)

20-305. Violations and penalty. Any violation of this chapter shall incur a civil penalty and/or fine of up to fifty dollars (\$50.00) for each offense. (Ord. #2021-06, July 2021)

CHAPTER 3**PUBLIC RECORDS POLICY**¹**SECTION**

20-301. Adoption by reference.

20-301. Adoption by reference. (1) The *Public Records Policy Manual* for the City of LaFollette, Tennessee, which is a part of this ordinance, is incorporated in its entirety herein by reference.

(2) The following statement shall be deemed as the City of LaFollette's public records policy statement: "It is the policy of the City of LaFollette for personnel of the City of LaFollette shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City of LaFollette, shall be protected as provided by current law." (Ord. #2017-04, April 2017)

¹The public records policy, and any amending ordinances, is on file in the office of the city recorder.

CHAPTER 4

PARKS AND RECREATION

SECTION

- 20-401. Definitions
- 20-402. Persons invited to use city parks; park hours.
- 20-403. Unlawful activities generally.
- 20-404. Sanitation.
- 20-405. Traffic.
- 20-406. Recreational activities.
- 20-407. Animals in city parks.
- 20-408. Skateboarding, skating and bicycling.
- 20-409. Certain behavior declared unlawful.
- 20-410. Merchandising, advertising and signs.
- 20-411. Park operating policy.
- 20-412. Enforcement.
- 20-413. Additional rules and regulations.
- 20-414. Liability for injuries or damages.
- 20-415. Smoking prohibition.

20-401. Definitions. For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City of LaFollette, Tennessee:

(1) "Director" is the senior director of recreation and parks of the City of LaFollette, Tennessee, the person immediately in charge of all park area and its activities, and to whom all park employees in such area are responsible, or, if designated by the director, this shall include deputy directors.

(2) "Park" is all city-owned parks including any facilities or improvements.

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

(4) "Vehicle" is any wheeled conveyance, whether or not motor powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind of description. Exception is made for baby carriages and vehicles in the service of the city park. (Ord. #2012-4, Oct. 2012)

20-402. Persons invited to use city parks; park hours. (1) All persons are invited to use city parks and their facilities who will comply with

the terms hereof and such rules and regulations as may be promulgated hereunder governing the use of city parks.

(2) No person shall, under any circumstances, enter for the purpose of remaining therein or remain in any park from sunset and one-half hour before sunrise without general or special permission from the parks and recreation department. Lighted facilities (ball fields, tennis courts, skateparks, etc.) shall remain open until 10:00 P.M. unless otherwise posted, or if authorized by the department during an event. Night time use of boat launch and fishing areas shall be permitted so long as it does not create nuisance for adjacent property owners. Park areas under repair shall be closed as needed. (Ord. #2012-4, Oct. 2012)

20-403. Unlawful activities generally. It shall be unlawful and constitutes a misdemeanor for any person within county parks to:

(1) Building and other property. (a) Disfigurement and removal. Willfully mark, deface, disfigure, tamper with, or displace to remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever either real or personal.

(b) Rest rooms and washrooms. Failure to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the rest rooms and washrooms designated for the opposite sex unless said person is physically or emotionally incapable of using same without the assistance of a parent, guardian or caregiver.

(c) Removal of natural resources. Dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber, or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(2) Trees, shrubbery, lawns. (a) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or upon any other property not designated or customarily used for such purposes.

(c) Hitching of animals. Tie or hitch a horse or other animal to any tree or plant.

(3) Wild animals, birds, etc. (a) Hunting, molesting, etc. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.

(b) Feeding. Give or offer, or attempt to give any wild animal or bird any food, tobacco, alcohol or other known noxious substances.

(3) Explosives, firearms and weapons. Bring into or have in his possession in any park any firearms (with the exception of those persons with a duly issued, current handgun carry permit issued by the state), slingshots, firecrackers, torpedoes, fireworks or other missile propelling instruments or explosives, including any substance, compound, mixture or article having properties of such a character that alone or in combination or contiguity with other substances, mixtures, compounds or articles may propel missiles or may decompose suddenly and generate sufficient heat, sound, gas or pressure or any or all of these to produce rapid flames, combustion or noxious or dangerous odors or sounds such as to annoy any other person or to injure any person or property without appropriated and approved permits or licenses from the county or the state. (Ord. #2012-4, Oct. 2012)

20-404. Sanitation. It shall be unlawful for any person within county parks to:

(1) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (Ord. #2012-4, Oct. 2012)

20-405. Traffic. It shall be unlawful for any person within the parks to:

(1) State motor vehicle laws and city traffic ordinances apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinances of the city in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(2) Obey personnel; enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks.

(3) Operation confined to specific areas. Drive any vehicle on any except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(4) Parking. (a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any employee who may be present.

(b) Full-parking. Full-park on the road or driveway at any time.

(c) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred feet (100') from both front and rear and on any driveway or road area except legally established parking areas.

(d) Emergency procedure. Fail to immediately notify a park employee or by placing a note on disabled vehicle of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

(e) Abandonment. Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to a park employee. Any vehicle remaining in said park after closing hours, except as is excepted herein will be towed away and stored at the expense of the owner.

(5) Bicycles, motorcycles and all terrain vehicles. (a) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road or specifically designated route or trail.

(b) All terrain vehicle. Ride an all terrain vehicle in the park.

(c) Operation generally. Ride a bicycle or motorcycle on other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two or more are operating as a group. Bicyclists and motorcyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns and follow the recommended passing procedures when overtaking vehicles. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noise to a comfortable level of sound.

(d) Rider prohibited. Ride a bicycle or motorcycle on any road within the park between thirty (30) minutes after sunset or thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred feet (200') in front of, and without a red tail light or red reflector plainly visible from at least one hundred (100') from the rear of such bicycle or motorcycle. (Ord. #2012-4, Oct. 2012)

20-406. Recreational activities. It shall be unlawful for any person within a city park to:

(1) Picnic areas. (a) Generally. Picnic or lunch in a place other than those designated for that purpose. Park employees shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulation that use of the individual fireplaces/grills together with tables and benches follows generally the rule of "first come, first served."

(c) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(2) Camping. Except as specifically set out below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-wagon or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permissible by special permit of the director. Camping in designated areas with permit as designated by the director is permissible.

(3) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. (Ord. #2012-4, Oct. 2012)

20-407. Animals in city parks. (1) Lease requirement. All animals must be on a leash not exceeding six feet (6') in length and in the custody of a competent person while on city park property.

(2) Prohibited animals. The following animals are not prohibited in city parks:

- (a) Livestock;
 - (b) Wild or exotic animals privately owned;
 - (c) Where the city park sign prohibits all animals privately owned; and
 - (d) Any animal behaving in a dangerous or potentially dangerous manner or any dog that has been classified as dangerous
- (3) No animals allowed in designated county parks. No privately owned animals will be permitted in county parks that have a designated sign posted to that effect. This restriction will be designated in certain parks that have a high volume of participants and inadequate areas for animals.
- (4) Responsibility for animal waste. The owner or person having custody of an Animal must remove from the county park all waste generated by such animal.
- (5) Off-leash dog parks. Dog owners shall be responsible and liable for the control and behavior dogs while using designated off-leash dog parks. (Ord. #2012-4, Oct. 2012)

20-408. Skateboarding, skating and bicycling. (1) No person shall use a skateboard in any park except at such times and upon places as may be designated or maintained therefore. Skateboards shall be permitted on paved greenway trails unless otherwise posted.

(2) Any person operating a skateboard, skates, bicycle or other similar device in a county skatepark shall wear a protective helmet of good fit fastened securely upon their head with all straps of the helmet. Such helmet must be approved by the American National Standards Institute (ANSI), the Snell Memorial Foundation, the American Society for Testing and Materials (ASTM) or otherwise approved by the commissioner of safety.

(3) It shall be unlawful for any parent or legal guardian of a person below the age of thirteen (13) to knowingly permit such person to operate a skateboard, skates, bicycle or similar device in a county-owned skatepark without wearing a helmet as described in subsection (2) of this section. Such parents or legal guardians violating this chapter shall received a citation to court pursuant to subsection (2) of this section.

(4) Any person violating any requirement set forth in subsections (1), (2) or (3) of this section shall be guilty of a violation and upon conviction sentenced to pay a fine of twenty-five dollars (\$25.00) and court costs.

(5) A law enforcement officer or city representative may deny use of a city skatepark to individuals who do not follow the posted rules at the skateparks. (Ord. #2012-4, Oct. 2012)

20-409. Certain behavior declared unlawful. It shall be unlawful for any person within the city park to:

- (1) Alms. Solicit alms or contributions for any purpose whether public or private, unless as permitted in writing by the director.

(2) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(3) Closed areas. Enter an area posted as "closed to the public" nor shall any person use or abet the use of any area in violation of posted notices.

(4) Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(5) Exhibit permits. Fail to produce and exhibit any permit from the director upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with an ordinance or rule.

(6) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(7) Intoxicating beverages. Possess controlled substances and/or alcoholic beverages, wine, and/or beer at any time, except in places with valid permits such as marinas, restaurants and golf courses. (Ord. #2012-4, Oct. 2012)

20-410. Merchandising, advertising and signs. No person in a county park shall:

(1) Vending and peddling. Expose or offer for sale any article, thing or service nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the direction, and those conducting activities under a permit where such permit permits the sale of articles or things. The exception under the permit shall only be granted to those activities which are charitable in purpose.

(2) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire without written permission from the director.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a county park. (Ord. #2012-4, Oct. 2012)

20-411. Park operating policy. (1) Reserved and closed areas. Any section or part of a county park may be declared closed to the public by the director any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary. No group shall utilize an athletic field that is posted as requiring reservations, without a reservation from

the department or authorizing association. All use is prohibited on fields with signs indicating under repair or fields that are locked or otherwise secured. Provided, further, nothing herein shall be constructed as to prohibit informal neighborhood use of fields that are not under repair or secured. Informal use shall consist of no more than ten (10) people and shall not be an organized team.

(2) Special events. (a) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate director.

(b) Standards for issuance. The director shall issue a permit hereunder when he finds:

(i) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(iii) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;

(iv) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the county; and

(v) The facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(d) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued, and shall provide certificate of insurance before the event.

(e) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (Ord. #2012-4, Oct. 2012)

20-412. Enforcement. (1) Officials. The director, park employees, and members of the city police department shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director, any park employees, and members of the city police department shall have the authority to eject from the parks any person acting in violation of this chapter, rules, the county sports code of conduct and regulations promulgated hereunder. (Ord. #2012-4, Oct. 2012)

20-413. Additional rules and regulations. The director shall have the authority to promulgate such rules and regulations as may be necessary to carry

out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of park facilities under this section. Regulations pertaining to specific activities shall be displayed in a prominent and public located at the point of the activity controlled. Rules and regulations pertaining to the parks as a whole shall be publicly and prominently displayed at each entrance to city parks. Rules and regulations adopted in accordance with this section shall have the same force and effect as it copied herein verbatim. (Ord. #2012-4, Oct. 2012)

20-414. Liability for injuries or damages. All persons using the parks will do so at their own risk. The city will not be liable for any injuries or damages sustained by persons using said parks. (Ord. #2012-4, Oct. 2012)

20-415. Smoking prohibition. All parks owned and operated by the City of LaFollette shall be non-smoking parks and/or facilities and the burning of tobacco products within said parks and facilities shall be strictly prohibited. Tobacco Products shall mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, or any other preparation of tobacco including hemp products and other drug substance shall be prohibited.

All of other provisions of said policy not specifically amended herein shall remain in full force and effect. (Ord. #2020-04, Oct. 2020)

CHAPTER 5

SHORT-TERM RENTAL POLICY

SECTION

20-501. Short-term rentals.

20-502. Operating permit required.

20-503. Application requirements.

20-504. Types of operating permits.

20-501. Short-term rentals. The City of LaFollette has determined that regulation of short-term rental units is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the methods of operation. To meet these ends, the city has determined that all persons eligible to operate short-term rental units within the city must be issued a permit pursuant to the requirements of this section. (Ord. #2021-08, July 2021)

20-502. Operating permit required. Once thirty (30) days have passed from the passage of this chapter it shall be unlawful to operate or advertise any short-term rental unit without a short-term rental unit operating permit issued under this section.

Exceptions will be made for qualifying property owners who are eligible to utilize their property as a short-term rental and have applied for a permit within the thirty-day timeframe but have steps to take in order to meet the permitting requirements. A reasonable time will be provided to the owner to allow the remaining requirements for a permit to be met. (Ord. #2021-08, July 2021)

20-503. Application requirements. Every qualifying property owner desiring to operate a short-term rental unit shall submit an application for an operating permit to the city recorder or his/her designee. In addition to the information required by the application itself, the city recorder or his/her designee may request other information reasonably required to allow the city to process the application. The permit application shall not be considered complete until the city recorder has all information as required by the application or otherwise. Each application shall contain at the least all of the following information.

(1) Applicant must acknowledge that they have read all regulations pertaining to the operation of a short-term rental unit within the city of LaFollette, including this section, the city/county business license requirements, the city's occupancy privilege tax requirements, any additional administrative regulations promulgated or imposed by the city to implement this section, and acknowledging responsibility for compliance with the provisions of this article.

(2) If a lessee is operating a short-term rental unit, the lessee shall provide:

(a) The full legal name of the owner of the short-term rental unit;

(b) The mailing address, email address; and telephone number(s) of the owner; and

(c) The owner's signature acknowledging the owner's understanding of all city short-term rental unit rules and verifying the owner's agreement that they are legally responsible and liable for compliance by the lessee and all occupants of the short-term rental unit with all provisions of this section and other applicable ordinances of the city.

(3) Applicant must designate a person who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:

(a) Being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the short-term rental unit; and

(b) Taking any remedial action necessary to resolve any such complaints. This contact person may be the owner, a lessee, or the owner's agent.

(4) Applicant must provide the full legal name, street and mailing addresses, email address, and telephone number of the owner of the short-term rental unit, and in cases where a business entity or trust is the owner of the property, the individual who has responsibility for overseeing the property on behalf of the business entity or trust, including the mailing address, email address, and telephone number of the individual having such responsibility. If the owner of a short-term rental unit is a business entity, the business must submit documentation to demonstrate that the business is in good standing with the Tennessee Secretary of State.

(5) Applicant and owner (if different), must acknowledge in writing that in the event a permit is approved and issued, Applicant and owner (if different) assume all risk and indemnify, defend and hold the city harmless concerning the city's approval of the permit, the operation and maintenance of the short-term rental unit, and any other matter relating to the short-term rental unit.

(6) Applicant must provide a valid Campbell County and City of LaFollette Business License. For short-term rental units that were in operation prior to enactment of this chapter, proof that applicant remitted taxes due on renting the short-term rental unit, pursuant to title 67, chapter 6, part 5 of the *Tennessee Code Annotated* for filing periods that cover at least six (6) months within the twelve (12) month period immediately preceding the date this chapter is adopted. (Ord. #2021-08, July 2021)

20-504. Types of operating permits. There are three (3) types of permits available under this section.

(1) **Owner occupied.** This type of permit is available to owner's who utilize the property as their principal residence, except in the instance of duplexes as further described in this section. A person can only hold one (1) owner occupied operating permit in the city, and it is only available to natural persons. The owner is not required to remain or be present at the short-term rental unit during the period when it is used as a short-term rental.

(a) If there is an accessory dwelling structure on the property, this type of operating permit can be used for either the primary dwelling or the accessory structure, but not for both. If the property houses a legal duplex and an owner owns both sides of the duplex, this type of permit is available to the owner for either side of the duplex so long as the owner's principal residence is on one side of the duplex.

(b) Proof of ownership and residency is required for this type of permit and shall be established by the deed for the property as recorded in the Campbell County Register of Deeds Office. Residency shall be established by at least two (2) of the following documents, which must list the address of the short-term rental unit on the document:

- (i) Owner's motor vehicle registration;
- (ii) Valid driver's license or TN identification card for owner;
- (iii) The address used for the school registration of owner's children;
- (iv) The owner's voter registration card; or
- (v) Owner's W-2 form reflecting the property address.

(c) At least one (1) owner listed on the deed for the short-term rental unit must establish residency at the short-term rental unit.

(2) **Non-owner occupied.** This type of permit is available to an owner or lessee of the property and is available to a natural person or a business entity. Upon application for a non-owner-occupied permit, if a lessee is applying, they must provide the owner's signature as set forth above.

(3) **Unoccupied.** This type of permit is available to a non-occupant owner of premises where the premises are only occupied when used as a short-term rental unit and are available to natural persons and business entities. These permits may also be held by an owner's agent, such as a rental company, with the rental company providing the same information and guarantees as is required of a lessee of property.

If there is an accessory dwelling structure on the property, the permit can be used for the primary dwelling or accessory dwelling structure, but not for both. If a property houses a legal duplex and an owner owns both sides of the duplex, only one side of the duplex can be used.

(5) Fees. An application for an operating permit under this article shall be accompanied by a fee of fifty dollars (\$50.00). Said fee is designed to reimburse the city for the cost of processing the application. There shall be no proration of fees, and once paid, they are non-refundable.

(6) Issuance of permit. Once the city recorder or his/her designee has determined that the application is complete, a permit shall be issued or denied within fourteen (14) business days. If the city recorder is satisfied that the application and the short-term rental unit conform to the requirements of this section and other applicable laws and ordinances, a permit shall be issued to applicant. If the application or short-term rental unit does not conform to the requirements of this section or other pertinent laws or ordinances, the permit shall not be issued, but the applicant will be advised in writing of the deficiencies and be given a reasonable opportunity to collect them. If not corrected within a reasonable period of time, the application will be permanently denied and written notice of the denial given. The operating permit shall be valid for one (1) calendar year from the date of issuance, unless the operating permit is revoked pursuant to this article or terminated by ordinance or otherwise.

(7) Permit renewal. Unless suspended or revoked for a violation of any provision of this section or other law, city ordinance or rule, a permit may be renewed annually upon payment of a renewal fee of fifty dollars (\$50.00), unless one (1) of the conditions set forth in subsection (14) are applicable. As with the application fee, this fee is designed to compensate the city for the cost incurred in processing the application and taking any other action necessary to attempt to ensure the applicant's compliance with this chapter. The renewal fee shall be paid no later than fourteen (14) business days prior to the expiration date for the current permit. A renewal application shall be submitted to the city recorder. A renewed operating permit shall be good for one (1) calendar year from the date of issuance.

(8) Permit non-transferable. A permit issued under this section is nontransferable, and any attempt to transfer it shall render the permit void. A transfer of the ownership interest in the property itself shall also render the permit void, whether the transfer is voluntary or involuntary and whether by deed, court order, foreclosure, by law, or otherwise.

(9) Vested rights. Except in instances where constitutional principles or binding state or federal laws otherwise provide, the provisions of this article and any ordinances or other measures concerning short-term rental units are not a grant of vested rights to continue as a short-term rental unit indefinitely. Any short-term rental unit use, and permits for short-term rental units, are subject to provisions of other ordinances, resolutions, or other city measures concerning short-term rental units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other city measures may change the terms, conditions, allowance, or duration for short-term rental unit use, including but not limited to those that may terminate some or all

short-term rental unit uses, with or without some period of amortization. While this recitation concerning vested rights is implicit in any uses permitted by the city, this explicit recitation is set forth to avoid any uncertainty or confusion.

(10) Compliance with city and state laws. It shall be unlawful to operate a short-term rental unit in a manner that does not comply with all applicable city and state laws, and any violation shall subject the violator to a fine of fifty dollars (\$50.00) for each violation. For any violation, each day that the violation exists shall constitute a separate offense.

(11) Operation without permit. Any short-term rental unit operating or advertising for operation without a valid pennit shall be deemed a public safety hazard. The city may issue the operator, the owner, and the local contact person a civil citation for operating a short-term rental unit or advertising one for operation without a permit and the penalty for such is fifty dollars (\$50.00) per day per unit.

(12) Public nuisance. It is unlawful and a violation of this article and is hereby declared a public nuisance for any person to commit, cause, or maintain a violation of any provision of this section or to otherwise fail to comply with any requirement contained in this section. The operation or maintenance of a short-term rental unit in violation of this article or any other city ordinance may be abated or summarily abated by the city in any manner permitted by this code or otherwise provided by law for the abatement of public nuisances. The city may issue civil citations to the operator, owner, occupants, and local contact person for any violation of this article or any other city ordinance by the operator, owner, local contact person, or occupants of the short-term rental unit, and the penalty for such is fifty dollars (\$50.00) per day.

(13) Complaints. All complaints regarding short-term rental units shall be filed with the codes enforcement officer or his/her designee. Those making complaints are specifically advised that any false complaint made against a short-term rental unit owner or provider is punishable as perjury under *Tennessee Code Annotated*, § 39-16-702. For any complaint made, the city shall provide written notification of the complaint by regular mail to the operator and owner (if different) of the property at the address(es) provided on the application on file. The city shall investigate the complaint, and within thirty (30) days of the date notice was sent to the operator, the operator shall respond to the complaint, and may present any evidence they deem pertinent, and respond to any evidence produced by the complainant or obtained by the city through its investigation. If, after reviewing all relevant material, the city finds the complaint to be supported by a preponderance of the evidence, the city may take, or cause to be taken, enforcement action as provided in this section or otherwise in the zoning ordinance, municipal code, or the generally applicable law.

(14) Revocation of permit. The city may permanently revoke an operating permit if the city discovers that:

- (a) An applicant obtained the permit by knowingly providing false information on the application;

- (b) The continuation of the short-term rental unit presents a threat to public health or safety;
- (c) The owner ceases to own the property;
- (d) The property is not used as a short-term rental for a period of thirty (30) months or more;
- (e) There has been a violation of a generally applicable local law three (3) or more separate times arising as a result of the operation of the property as a short-term rental unit and all appeals from the violations have been exhausted.

(15) Appeal of denial or revocation. If a permit is revoked, the codes enforcement officer shall state the specific reasons for the revocation. Any person whose application has been denied or whose operating permit has been revoked may appeal such denial by submitting a written request for a hearing to the codes enforcement officer within ten (10) days of the denial or revocation. A hearing shall be conducted by the city's codes enforcement appeals board at its next regularly scheduled meeting, and the applicant or permit holder must be present for the appeal to be heard. The codes enforcement appeals board shall consider whether the denial or revocation was justified and whether good cause exists to issue or reinstate the permit. The decision of the codes enforcement appeals board shall be issued verbally during the course of the meeting and the applicant or operating permit holder shall be given the opportunity to address the codes enforcement appeals board. Should the applicant or permit holder fail to appear, the appeal shall be dismissed. The decision resulting therefrom shall be final and subject only to judicial review pursuant to state law.

(16) Additional remedies. The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

(17) City shall not enforce private agreements. The city shall not have any obligation or be responsible for making a determination regarding whether the issuance of an operating permit or the use of a dwelling as a short-term rental unit is permitted under any private agreements or any covenants, conditions, and restrictions or any of the regulations or rules of the homeowners' association or maintenance organization having jurisdiction in connection with the short-term rental unit, and the city shall have no enforcement obligations in connection with such private agreements or covenants, conditions and restrictions or such regulations or rules. If the short-term rental unit operator is a lessee, the owner of the short-term rental unit shall provide written acknowledgment and agreement to the short-term rental unit, but the city shall not have any obligation or be responsible for verifying the ownership information.

(18) Taxes. All short-term rental unit operators are responsible for applicable taxes, including, but not limited to, hotel occupancy privilege tax, local option sales tax, and gross receipts tax to the city sales tax to the State of Tennessee, and gross receipts tax to the State of Tennessee.

(19) Advertising. It shall be unlawful to advertise any short-term rental unit without the operating permit number clearly displayed on the advertisement. For the purposes of this section, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a short-term rental unit in any forum, whether electronic or non-electronic, in order to promote the availability of the short-term rental unit.

(20) Maximum occupancy. The number of transients in a short-term rental unit shall not exceed the sum of three (3) transients per bedroom plus; however, the maximum occupancy of the short-term rental unit shall not exceed eight (8) persons, including transients and any other individuals residing in or otherwise using the short-term rental unit. A bedroom is hereby defined as a room having a source of natural light, a minimum ceiling height of seven feet six inches (7' 6"), have means of emergency egress, a source of permanent heat, and a smoke alarm. (Ord. #2021-08, July 2021)

ORDINANCE NO **2022-03**

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE CITY OF LAFOLLETTE, TENNESSEE.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF LAFOLLETTE, TENNESSEE, THAT:

Section 1. Ordinances codified. The supplemental and replacement pages contained in the following:

- §§ 4-101--4-107, Ord. #2019-05 (Sept. 2019)
- Title 5, chapter 6, Ord. #2022-2 (March 2022)
- §§ 7-601--7-606, Ord. #2021-04 (June 2021)
- § 8-213, Ord. #2020-01 (July 2020)
- § 13-305, Ord. #2020-03 (Sept. 2020)
- § 15-126, Ord. #2019-06 (Dec. 2019)
- Title 17, Ord. #2021-09 (Aug. 2021)
- Title 20, chapter 4, Ord. #2012-04 (Oct. 2012)
- § 20-415, Ord. #2020-04 (Oct. 2020)
- Title 20, chapter 5, Ord. #2021-08 (July 2021)

To the City of LaFollette Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the City of LaFollette Municipal Code. This supplement includes revisions required to the municipal code when considering ordinances and modifications made by the City of LaFollette. Code sections affected by these modifications contain citations, when required, at the end of the code section.

Section 2. Continuation of existing provisions. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the supplement, including any codes and ordinances adopted by reference, any act is prohibited or is made or declared to be a civil offense, or wherever 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 shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section 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 supplement or the municipal code or other applicable law. In any place

in the supplement 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 supplement, 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 supplement, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the supplement and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 6. Code available for public use. One copy of the supplement shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 7. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Passed 1st reading March 1, 2022

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Passed 2nd reading April 5, 2022.

Phillip Farmer
Mayor

[Signature]
Recorder

ORDINANCE NO. 2021-02

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF LAFOLLETTE, TENNESSEE.

WHEREAS some of the ordinances of the City of LaFollette are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of City of LaFollette, 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 "LaFollette Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF LAFOLLETTE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the City of LaFollette 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 "LaFollette 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 or authorizing the establishment of a social security system or providing or changing 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, closing, 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 fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to 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.

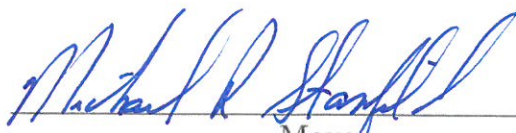
Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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.

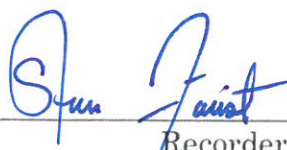
Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading April 6, 2021.

Passed 2nd reading May 4, 2021.



Mayor



Recorder

APPROVED AS TO FORM:



City Attorney