

**THE
MOSHEIM
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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Change 1
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TOWN OF MOSHEIM, TENNESSEE

MAYOR

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ALDERMEN

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RECORDER

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PREFACE

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

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

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

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

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

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

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

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. ADMINISTRATOR.
5. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Staggered terms.

¹Municipal 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

Administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

1-101. Time and place of regular meetings. Regular meetings of the board of mayor and aldermen shall be held at 7:00 P.M. on the fourth Thursday of each month. (Ord. #26, Sept. 1978)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Approval of minutes of the previous meeting.
- (4) Communications from the mayor.
- (5) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (6) Old business.
- (7) New business.
- (8) Adjournment.

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 board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code.

1-104. Staggered terms. (1) The terms of office of the two (2) aldermen and the mayor elected in June of 2011 shall be extended until after the first Thursday in August 2016. This will result in an increase of approximately fourteen (14) months in the terms of the aldermen and mayor elected in June 2011. This is necessary in order to transition to the new election date.

(2) The terms of office of the two (2) aldermen elected in June 2013 shall be extended until after the first Thursday in August 2018. This will result in an increase of approximately fourteen (14) months in the terms of office of the aldermen elected in June 2013. This is necessary in order to transition to the new election date. (Ord. #254, Feb. 2014)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties of mayor.

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

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

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

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

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

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

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

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

(f) As a member of the board, may make motions and shall have a vote on all matters coming before the board; and

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

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

[If the board does not appoint an administrator or if someone else is not designated by the board, the mayor shall also perform those duties set forth in charter § 6-4-101.]

¹Charter references

Duties of mayor: § 6-3-106.

Vacancies in office: § 6-3-107.

Vice-mayor: § 6-3-107.

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

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

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

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

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

CHAPTER 3**RECORDER¹****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

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

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

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book.

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers.

¹Charter references

Recorder: §§ 6-4-201, *et seq.*

Recorder as treasurer: § 6-4-401(c).

CHAPTER 4**ADMINISTRATOR**¹**SECTION**

1-401. Administration of municipal business.

1-401. Administration of municipal business. The administrator shall perform the following duties:

- (1) Administer the business of the municipality;
- (2) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
- (3) Keep the board fully advised as to the conditions and needs of the municipality;
- (4) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;
- (5) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;
- (6) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval of the board; and
- (7) Perform such other duties as may from time to time be designated or required by the board.

¹Charter reference
Administrator: § 6-4-101.

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.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the *Tennessee Code Annotated* (T.C.A.) sections indicated:

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

Conflict of interests: *Tennessee Code Annotated*, §§ 6-54-107, 6-54-108; 12-4-101, 12-4-102.

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, 2-10-124.

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

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

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

1-501. Applicability. This chapter is the code of ethics for personnel of the town (herein "municipality"). It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #198, Sept. 2006)

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. #198, Sept. 2006)

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. #198, Sept. 2006)

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

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

policy, recuse himself from the exercise of discretion in the matter. (Ord. #198, Sept. 2006)

1-505. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #198, Sept. 2006)

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. #198, Sept. 2006)

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 governing body to be in the best interests of the municipality. (Ord. #198, Sept. 2006)

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 municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (Ord. #198, Sept. 2006)

1-509. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #198, Sept. 2006)

1-510. Ethics complaints. (1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town 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 town 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 town attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #198, Sept. 2006)

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 governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #198, Sept. 2006)

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

1. PLANNING COMMISSION.
2. WATER AND SEWER COMMISSION

CHAPTER 1**PLANNING COMMISSION****SECTION**

- 2-101. Short title.
- 2-102. Creation and membership.
- 2-103. Organization, powers, and duties.
- 2-104. Conflict with other regulations.

2-101. Short title. This chapter shall be known as the "Mosheim Municipal Planning Commission Chapter." (Ord. #6, Sept. 1974)

2-102. Creation and membership. Pursuant to the provisions of *Tennessee Code Annotated*, § 13-14-01 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members, two (2) of these shall be the mayor and another member of the board of mayor and aldermen; the other five (5) 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 five (5) members appointed by the mayor shall be for three (3) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of either one (1) or two (2) members expires each year. The terms of those first five (5) appointed shall be deemed to have commenced as of June 1, 2005. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #187, July 2005)

2-103. Organization, powers, and duties. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with *Tennessee Code Annotated*, title 13. (Ord. #6, Sept. 1974)

2-104. Conflict with other regulations. In the case of conflict between this chapter, or any part thereof, and the whole or part of any existing

or future ordinance of the Town of Mosheim, the most restrictive in all cases shall apply. (Ord. #6, Sept. 1974)

CHAPTER 2

WATER AND SEWER COMMISSION

SECTION

- 2-201. Short title.
- 2-202. Creation and membership.
- 2-203. Meetings and compensation.
- 2-204. Powers and duties of commission.
- 2-205. Records and reports.
- 2-206. Determination of rates.

2-201. Short title. This chapter shall be known as the "Mosheim Water and Sewer Chapter." (Ord. #7, Sept. 1974)

2-202. Creation and membership. There is hereby created a water and sewer commission for the Town of Mosheim. The water and sewer commission shall consist of the members of the board of mayor and aldermen. (Ord. #7, Sept. 1974, modified)

2-203. Meetings and compensation. Within ten (10) days after appointment and qualification of members, the board shall hold a meeting to elect a chairman, and designate a secretary and treasurer or a secretary-treasurer who need not be a member or members of the board. Regular meetings of the board shall be held at least once per month, and more often at the discretion of the chairman. The board of mayor and aldermen of the Town of Mosheim shall fix the amount of compensation of the secretary and the treasurer, and shall fix the amount of the surety bond which shall be required of the treasurer. The members of the commission shall receive such compensation for their services, either as salary or payment for meetings attended, as the board of mayor and aldermen may determine, currently board: one hundred dollars (\$100.00) per month; and mayor: three hundred dollars (\$300.00) per month. Such salaries or payments and also salaries of secretary and treasurer shall be paid out of the proportion of the revenues set aside for operation and maintenance. (Ord. #7, Sept. 1974, modified)

2-204. Powers and duties of commission. The water and sewer commission, constituted and appointed as provided herein and herein referred to as the commission, shall have the power to take all steps and proceedings and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter subject only to limitations on matters requiring approval by the governing body of Mosheim. From and after its first meeting, the commission shall act in an advisory capacity to the governing body of Mosheim in all matters pertaining to

the financing of the enterprise and the acquisition of any or all parts of the proposed works or extensions thereto by purchase, condemnation of construction, and it shall be its duty to collect and furnish all necessary data and information, and to recommend such appropriate action by the governing body as may appear to the commission to be necessary from time to time. Subject to and after approval by the governing body of Mosheim, the commission shall have power and it shall be its duty to proceed with all matters pertaining to construction, extensions, improvements, and repairs necessary to proper completion of the works. After completion and acceptance of the works by the commission, and approval of such acceptance by the governing body of Mosheim, the commission shall have the power and it shall be its duty to proceed with all matters and perform everything necessary to the proper operation of the works and collection of charges and services rendered, subject only to the limitation of funds available for operation and maintenance. To this end the commission may employ such employees as in its judgment may be necessary and may fix their compensation, all of whom shall do such work as the commission shall direct. The commission shall have the power to employ engineers and attorneys whenever in its judgment such services are necessary. (Ord. #7, Sept. 1974)

2-205. Records and reports. The commission shall keep a complete and accurate record of all meetings and actions taken, receipts and disbursements, and shall make reports of same to the governing body of Mosheim at stated intervals, not to exceed one (1) year. Said reports shall be in writing and in open meetings of the governing body of the town, and a copy filed with the town clerk. (Ord. #7, Sept. 1974)

2-206. Determination of rates. The board of mayor and aldermen of Mosheim shall have the power, and it shall be its duty by ordinance to establish and maintain just and equitable rates and charges for the use and service rendered by the water and sewer department, to be paid by the beneficiary of the service. Such rates and charges shall be adjusted so as to provide funds sufficient to pay all reasonable expenses of operation, repair and maintenance, provide for a sinking fund for payment of principal and interest bonds when due, and maintain an adequate depreciation account, and they may be re-adjusted as necessary from time to time by amendment to the chapter establishing the rates then in force. A copy of the schedule of such rates and charges so established shall be kept on file in the office of the commission having charge of the operation of such works, and also in the office of the town clerk, and shall be open to inspection by all parties interested. (Ord. #7, Sept. 1974)

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

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

CHAPTER 1**TOWN JUDGE****SECTION**

- 3-101. Town judge.
3-102. Jurisdiction.

3-101. Town judge. (1) Appointment. The town judge designated by the charter to handle judicial matters within the town shall be a licensed attorney appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the town 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 town judge.

(2) Qualifications. The town judge shall be a minimum of twenty-one (21) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Greene County. If the town judge for any reason removes his domicile from Greene County after his appointment, the removal of his domicile shall automatically create a vacancy in the office of town judge.

(3) Judge pro tem.² During the absence of the town judge from his duties for any reason or at any time the office of the town judge is vacant, the board of mayor and aldermen may appoint a town judge pro tem to serve until the town judge returns to his duties or the office of town judge is no longer vacant. The town judge pro tem shall have all the qualifications required, and powers, of the town judge.

(4) Salary. The salary of the town judge shall be determined by the board of mayor and aldermen. (Ord. #278, Dec. 2018)

¹Charter reference

Town judge - town court: § 6-4-301.

²Charter reference

Appointment of temporary judge: § 6-4-301(b)(2).

3-102. Jurisdiction. The town judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code. (Ord. #278, Dec. 2018)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Contempt of court.

3-201. Maintenance of docket. The town clerk shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant. (Ord. #278, Dec. 2018)

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

In all cases heard and determined by him, the town judge shall impose court costs in the amount of ninety-four dollars and seventy-five cents (\$94.75). One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

In addition, pursuant to authority granted in *Tennessee Code Annotated*, § 67-4-601, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy-five cents (\$13.75) in all cases on which state litigation tax is levied. (Ord. #278, Dec. 2018, modified)

3-203. Disposition and report of penalties and costs. All funds coming into the hands of the town judge or town court clerk in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month, he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year. (Ord. #278, Dec. 2018)

3-204. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion. (Ord. #278, Dec. 2018)

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 town judge, the judge may, in his discretion, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (Ord. #278, Dec. 2018)

3-302. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (Ord. #278, Dec. 2018)

CHAPTER 4**BONDS AND APPEALS****SECTION**

3-401. Appeals.

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

3-401. Appeals. Any person dissatisfied with any judgment of the town court against him may, within ten (10) days¹ thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity, or the municipality. (Ord. #278, Dec. 2018)

3-402. Bond amounts, conditions, and forms. (1) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

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

(a) Files the following oath of poverty:

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

(b) Files an accompanying affidavit of indigency.

The affidavit of indigency must be sworn to by the defendant/appellant and the facts therein may be investigated. (Ord. #278, Dec. 2018)

¹State law reference

Tennessee Code Annotated, § 16-18-307.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL REGULATIONS.
2. TRAVEL REIMBURSEMENT REGULATIONS.
3. SOCIAL SECURITY.

CHAPTER 1

PERSONNEL REGULATIONS

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the Town of Mosheim are adopted herein as if set out verbatim.

¹The personnel rules and regulations for the Town of Mosheim, as amended from time to time, are available in the office of the recorder.

CHAPTER 2

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Purpose.
- 4-202. Enforcement.
- 4-203. Travel policy.
- 4-204. Travel reimbursement rate schedules.
- 4-205. Administrative procedures.

4-201. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with Public Acts 1993, chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #88, March 1994)

4-202. Enforcement. The Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #88, March 1994)

4-203. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, conferences, and similar expenses. Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

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

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

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

The CAO may make exceptions for unusual circumstances. **EXPENSES CONSIDERED EXCESSIVE WILL NOT BE ALLOWED.**

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

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

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #88, March 1994)

4-204. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The town's travel reimbursement rates will automatically change when the federal rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #88, March 1994)

4-205. Administrative procedures. The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June, 1993. A copy of the administrative procedures is on file in the office of the town recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #88, March 1994)

CHAPTER 3

SOCIAL SECURITY

SECTION

- 4-301. Policy established.
- 4-302. Authority of mayor.
- 4-303. Withholdings.
- 4-304. Appropriations.
- 4-305. Records.
- 4-306. Scope of chapter.

4-301. Policy established. It is hereby declared to be the policy and purpose of the Town of Mosheim, Tennessee, to extend, as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old Age and Survivors Insurance, as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 - 81st Congress. In pursuance of said policy and for that purpose, the said Town of Mosheim shall take such action as may be required by applicable federal or state laws or regulations. (Ord. #11, Dec. 1974)

4-302. Authority of mayor. The Mayor of the Town of Mosheim, Tennessee, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in § 4-301. (Ord. #11, Dec. 1974)

4-303. Withholdings. Withholding from salaries or wages of employees and officials for the purpose provided in § 4-301 are hereby authorized to be made in the amounts and at such times as may be required by applicable federal or state laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #11, Dec. 1974)

4-304. Appropriations. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions; which shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #11, Dec. 1974)

4-305. Records. The said Town of Mosheim shall keep such records and make such reports as may be required by applicable state or federal laws or regulations. (Ord. #11, Dec. 1974)

4-306. Scope of chapter. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the said town or any employee, official, or position not authorized to be covered under applicable state or federal laws or regulations. (Ord. #11, Dec. 1974)

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

1. MISCELLANEOUS.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.

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

- 5-101. Official depository for town funds.
- 5-102. Fiscal year.
- 5-103. Competitive bidding.

5-101. Official depository for town funds. (1) The official depositories for all Town of Mosheim funds shall be The First Horizon Bank and The Apex Bank, both located in the town.

(2) Such banks shall furnish adequate security to protect the funds of the town, either by collateral in the form of bonds of the United States government, State of Tennessee, the County of Greene, the Town of Mosheim, or other municipalities located within the state, upon which bond there has been no default in the payment of interest for more than thirty (30) days, upon any one (1) installment of interest for five (5) years net preceding the deposit; and one (1) or all such securities so taken shall be in an amount ten percent (10%) in excess of the deposit, or by bond surety in the sum of ten percent (10%) in excess of the deposits, with some solvent surety company authorized to do business in the state.

(3) All securities accepted by the board of mayor and aldermen of the town to protect the town for such town funds deposited in such banks shall be upon the unanimous approval of the board of mayor and aldermen of the town and shall, by the board of mayor and aldermen, be renewed annually, and the board of mayor and aldermen shall reserve the right to call upon such banks to give other and additional security when the board of mayor and aldermen is of the opinion that, for any reason, the securities or surety bond is inadequate and insufficient in value to protect the funds of the town. (Ord. #2, May 1974, modified)

¹Charter reference

Depositories of municipal funds: § 6-4-402.

5-102. Fiscal year. The fiscal year for the town is hereby established as July 1 to June 30. (Ord. #1, May 1974)

5-103. Competitive bidding. Pursuant to provisions of *Tennessee Code Annotated*, § 6-56-306, the Town of Mosheim hereby increases the dollar amount required by the Municipal Purchasing Law of 1983 for public advertisement and competitive bidding from two thousand five hundred dollars (\$2,500.00) to a maximum of ten thousand dollars (\$10,000.00). (Ord. #225, Oct. 2010)

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 town at the rates and in the manner prescribed by the act.

5-202. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax.

CHAPTER 3

WHOLESALE BEER TAX

SECTION

5-301. To be collected.

5-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in *Tennessee Code Annotated*, title 57, chapter 6.¹

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.

Municipal code references

Alcohol and beer regulations: title 8.

Beer privilege tax: § 8-208.

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.
3. CITATIONS, WARRANTS, AND SUMMONSES.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Established.
- 6-102. Operations.
- 6-103. Organization.
- 6-104. Budget.
- 6-105. Authority of police chief.
- 6-106. Training and maintenance of equipment.
- 6-107. Composition of police department.
- 6-108. Appointment of members.
- 6-109. Power and authority.
- 6-110. Issuance of warrants.
- 6-111. Distress warrants.
- 6-112. Arrest for ordinance violation.
- 6-113. Objectives.
- 6-114. Officers to wear prescribed uniforms, badges and be armed.
- 6-115. Police chief assistant to state commissioner of commerce.
- 6-116. Police chief to provide procedural guidelines, etc.
- 6-117. Use of personnel and equipment outside city limits.

6-101. Established. (1) There is hereby established, for the Town of Mosheim, a Department of Police, to be directed by the chief of police, to be supported and equipped from appropriations by the board of mayor and aldermen and from all other applicable contributions. All apparatus, equipment, and supplies of the police department shall be purchased with the approval of

¹Municipal code references

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

"Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004:" title 7, chapter 3, footnote 1.

the Chief of Police in accordance with municipal purchasing requirements and shall be and remain the property of the town.

(2) The police department shall be composed of a chief appointed by the Town of Mosheim Board of Mayor and Aldermen, and such number of subordinate officers and police officers as may be recommended by the chief of police. The police chief shall be sworn by an officer of the court. In addition to the police chief and all officers, the police chief may augment the police department with volunteers to support non-police duties, as when needed. (Ord. #274, June 2018)

6-102. Operations. The board of mayor and aldermen shall provide for the operations of the police department in its annual budget. Any funds donated to, or raised by, the police department, or by any individual or group of volunteer police officer or other persons, may be accepted by the board of mayor and aldermen and may be used for purposes designated by the police chief or the respective contributors. All equipment, materials, supplies, etc., purchased with contributed funds shall become the property of the Town of Mosheim. The board of mayor and aldermen may reject any gift or contribution it deems not to be in the best interest of the Town of Mosheim. (Ord. #274, June 2018)

6-103. Organization. The Chief of the Town of Mosheim Police Department shall, under the direction of the board of mayor and aldermen, set up the organization of the department, make work assignments to individuals and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the police department. (Ord. #274, June 2018)

6-104. Budget. The Chief of the Town of Mosheim Police Department shall prepare the annual department budget to be approved by the board of mayor and aldermen and keep adequate records of all policies, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports as the mayor requires. The mayor shall submit such written reports to the board of mayor and aldermen as the board of mayor and aldermen requires. (Ord. #274, June 2018)

6-105. Authority of police chief. The Chief of Town of Mosheim Police Department shall have the authority to suspend or dismiss any other member of the police department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor, however, only the board of mayor and aldermen shall dismiss the police chief. (Ord. #274, June 2018)

6-106. Training and maintenance of equipment. (1) The Chief of the Town of Mosheim Police Department shall be fully responsible for the

training of the police officers and for maintenance of all property and equipment for the police department, under the direction and subject to the requirements of the board of mayor and aldermen.

(2) Each police officer shall receive no less than forty (40) hours of in-service police training annually, after an initial training period consisting of no less than sixteen (16) hours of basic police training during the first ninety (90) days of membership in the police department. Paid police shall be trained in accordance with the standards of the Tennessee Commission on Police Standards and Education. (Ord. #274, June 2018)

6-107. Composition of police department. (1) The department of police shall be composed as the chief of police and other such officers, patrolmen, employees, and volunteers as the board of mayor and aldermen may from time to time to determine. The chief of police shall have immediate direction and control of the police department subject to the provisions of the mayor and to such rules and regulations as the board of mayor and aldermen or mayor may prescribe.

(2) The chief of police may be either part- or full-time as the board of mayor and aldermen may direct from time to time. The chief of police shall have all of the powers, rights, authorities and jurisdictions as by law vested by the State of Tennessee whether for police or marshals.

(3) Chief of police shall receive a salary to be fixed by the board of mayor and aldermen. He shall remain in office at the sole pleasure of the board of mayor and aldermen and for such term or terms as the board of mayor and aldermen may so direct. (Ord. #274, June 2018)

6-108. Appointment of members. (1) The members of the Town of Mosheim Police Department other than the police chief shall be selected from a list of eligible candidates prepared by the chief and the mayor in accordance with the rules and regulations as the board of mayor and aldermen may prescribe,

(2) Those members are to be appointed and approved by the board of mayor and aldermen and sworn by an officer of the court. All officers in the police department shall remain employed as police officers at the pleasure of the board of mayor and aldermen and for such terms as the board may so direct.

(3) Each member of the department of police shall, before entering upon his duties, subscribe an oath that he will faithfully, without fear or favor, perform the duties of his office.

(4) Salaries for each member of the department of police shall be set by the board of mayor and aldermen. (Ord. #274, June 2018)

6-109. Power and authority. Generally, the police chief and the officers of the Town of Mosheim Police Department are hereby vested with all power and authority given to them as police officers under the laws of the State

of Tennessee in taking cognizance of and enforcing criminal laws of the State of Tennessee and the ordinances and regulations of the town within the city limits of the Town of Mosheim, and it shall be the duty of each such officer to use his best endeavors to prevent within the town, offenses against the laws of the state and against the ordinances and regulations of the town. Such officers shall not receive any fee or other compensation for any services rendered in the performance of his duty other than the salary paid by the town, nor shall he receive a fee as a witness in any case arising under the criminal laws of the state or under the ordinances or regulations of the town and prosecuted in the court of said town. (Ord. #274, June 2018)

6-110. Issuance of warrants. Member of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens insofar as practical of the burden of instituting cases involving the violation of city ordinances; but this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case. (Ord. #274, June 2018)

6-111. Distress warrants. Distress warrants may be issued for the collection of taxes and any such distress warrant shall be executed by the chief of police or any police officers of the town by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of courts of general sessions. (Ord. #274, June 2018)

6-112. Arrest for ordinance violation. The chief of police or a police officer of the town, may, upon review, arrest any person who may be guilty of a breach of the ordinances of the town or of any crime against the laws of the State of Tennessee and may, upon reasonable information supported by affidavit, procure process for the arrest of any person who may be charged with a breach of any ordinance of the city. (Ord. #274, June 2018)

6-113. Objectives. The police department shall have as its objectives:

- (1) To suppress riots, disturbances, and breaches of the peace;
- (2) To pursue and arrest any persons fleeing from justice in any part of the state;
- (3) To apprehend any and all persons caught in the act of committing and offenses against the laws of the state or the ordinances of the city and forthwith bring the persons before the proper authority for trial and examination;
- (4) To diligently and faithfully enforce at all times all such laws, ordinances and regulations for the preservation of good order and the public welfare as the board of mayor and aldermen may ordain;

- (5) To prevent the loss of life and property by presence, availability, persistent patrolling, and observation;
- (6) To investigate all crimes;
- (7) To serve the citizens of the Town of Mosheim;
- (8) To perform such rescue work as its equipment and/or the training of its personnel makes practicable;
- (9) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable;
- (10) To assist emergency management of the town;
- (11) To protect the health and safety of the citizens from crimes and natural disasters;
- (12) To work with all other police agencies; and
- (13) To provide public law enforcement and crime prevention education materials and information to the citizens in order that they may protect themselves from harm. (Ord. #274, June 2018)

6-114. Officers to wear prescribed uniforms, badges and be armed. The Chief of Police shall prescribe the uniform and badges for the members of the police department and further direct the manner in which the members of said force shall be armed. Any person other than a member of said police department who shall wear such uniform or badges shall be subject to such fines which may be prescribed by the board of mayor and aldermen by proper ordinance. (Ord. #274, June 2018)

6-115. Police chief assistant to state commissioner of commerce. Pursuant to requirement of the *Tennessee Code Annotated*, the police chief is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated* and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (Ord. #274, June 2018)

6-116. Police chief to provide procedural guidelines, etc. The chief of police shall devise, provide, and maintain the policy and procedural guidelines for the day-to-day operations of the Town of Mosheim Police Department. (Ord. #274, June 2018)

6-117. Use of personnel and equipment outside city limits. Personnel and/or equipment of the Town of Mosheim Police Department may be used for assisting any police outside the city limits if the board of mayor and aldermen has developed policies for providing emergency services outside the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

- (1) The Local Government Emergency Assistance Act of 1987, as amended, codified in *Tennessee Code Annotated*, §§ 58-2-601 *et seq.*;

- (2) *Tennessee Code Annotated*, §§ 12-96-101, *et seq.*; and
- (3) *Tennessee Code Annotated*, § 6-54-601. (Ord. #274, June 2018)

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When police officers to make arrests.

6-202. Disposition of persons arrested.

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

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

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

(3) Whenever a felony has in fact been committed and the officer has probable cause to believe the person has committed it.

6-202. Disposition of persons arrested. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

¹Municipal code reference

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

CHAPTER 3

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-301. Citations in lieu of arrest in non-traffic cases.

6-302. Summonses in lieu of arrest.

they shall refer to the person designated by the board of commissioners to enforce the provisions of

6-301. Citations in lieu of arrest in non-traffic cases.¹ Pursuant to *Tennessee Code Annotated*, §§ 7-63-101, *et seq.*, the board of mayor and aldermen shall designate a person in the fire department and in the building department, special police officers having the authority to issue citations in lieu of arrest. The designee in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The designee in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility, and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with *Tennessee Code Annotated*, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

6-302. Summonses in lieu of arrest. Pursuant to *Tennessee Code Annotated*, §§ 7-63-201, *et seq.*, which authorizes the board of mayor and aldermen to designate certain town enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control, and animal

¹Municipal code reference

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

control, the board shall designate a person in the departments to issue ordinance summonses in those areas. These enforcement officers may *not* arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law, or regulation in the areas of sanitation, litter control, or animal control, may issue an ordinance summons and give the summons to the offender.

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

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the town court; or
- (2) May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (modified)

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE CODE.
2. VOLUNTEER FIRE DEPARTMENT.

CHAPTER 1

FIRE CODE¹

SECTION

- 7-101. Fire code adopted.
- 7-102. Enforcement.
- 7-103. Modifications.
- 7-104. Gasoline trucks.
- 7-105. Variances.
- 7-106. Available in recorder's office.
- 7-107. Violations and penalty.

7-101. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to firefighters and emergency responders during emergency operations, the *International Fire Code*,² 2012 edition, and *NFPA 101 Life Safety Code*,³ 2012 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code is shall be controlling within the corporate limits. (modified)

¹Municipal code reference

Building, utility, and residential codes: title 12.

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

³Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

7-102. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.

7-103. Modifications. The fire code herein adopted is modified by: Whenever the word "municipality" is used in the fire code herein adopted, it should be held to mean the Town of Mosheim, Tennessee. (modified)

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

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

7-106. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

7-107. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Department funding.
- 7-203. Objectives.
- 7-204. Authority over the department.
- 7-205. Record keeping.
- 7-206. Authority of chief.
- 7-207. Chief's responsibilities.
- 7-208. Assistant to state commissioner.
- 7-209. Assisting surrounding communities.

7-201. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen and from other contributions. All apparatus, equipment, and supplies of the volunteer fire department shall be purchased with the approval of the fire chief in accordance with municipal purchasing requirements and shall be and remain the property of the town. The board of mayor and aldermen shall appoint a chief for the fire department; then, the board of mayor and aldermen and the chief shall by majority vote, appoint the assistant chief; all other officers of the fire department shall be nominated by the members of the fire department and then elected by a majority vote of the members. The volunteer fire department shall consist of no more than thirty (30) volunteers, including the fire chief and all officers. (Ord. #127, July 1998, as amended by Ord. #136, ___)

7-202. Department funding. The board of mayor and aldermen shall provide for the operations of the volunteer fire department in its annual budget. Any funds raised by the fire department auxiliary, or by any individual or group of volunteer firemen may be accepted by the board of mayor and aldermen and may be used for purposes designated by the respective contributors. All equipment, materials, supplies, etc., purchased with contributed funds shall become the property of the Town of Mosheim. The board of mayor and aldermen may reject any gift or contraction it deems not to be in the best interest of the Town of Mosheim. (Ord. #127, July 1998)

¹Municipal code reference

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

7-203. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting;
- (2) To prevent the loss of life and property, because of fires;
- (3) To confine fires to their places of origin;
- (4) To extinguish uncontrolled fires;
- (5) To prevent loss of life from asphyxiation or drowning;
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable;
- (7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable;
- (8) To provide code enforcement and building inspections as directed by the town within adopted codes and ordinances;
- (9) To serve as the emergency agency of the town;
- (10) To protect the health and safety of the citizens from the transportation, storage, of manufacture of hazardous materials to the extent possible that the level of equipment and training will allow;
- (11) To work with the water department to ensure that adequate water supplies for fire protection are available; and
- (12) To provide public fire education materials and information to the citizens in order that they may protect themselves from harm. (Ord. #127, July 1998)

7-204. Authority over the department. The chief of the Town of Mosheim Volunteer Fire Department shall, under the direction of the board of mayor and aldermen, set up the organization of the department, make work assignments to individuals, based on input, suggestions, and recommendations from the members of the volunteer fire department, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operations of the volunteer fire department. (Ord. #127, July 1998)

7-205. Record keeping. The chief of the Town of Mosheim Volunteer Fire Department shall prepare the annual departmental budget to be approved by the board of mayor and aldermen, keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports to the mayor as the mayor requires. The mayor shall submit such written reports to the board of mayor and aldermen as the board of mayor and aldermen requires. (Ord. #127, July 1998)

7-206. Authority of chief. The chief of the Town of Mosheim Volunteer Fire Department shall have the authority to suspend or dismiss any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to

thirty (30) days by the mayor. However, only the board of mayor and aldermen shall dismiss the fire chief. (Ord. #127, July 1998)

7-207. Chief's responsibilities. The chief of the volunteer fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department under the direction and subject to the requirements of the board of mayor and aldermen. Each volunteer firefighter and/or officer shall receive no less than forty (40) hours of inservice firefighter training annually, after an initial training period consisting of no less than sixteen (16) hours of basic firefighter training during the first ninety (90) days of his membership in the volunteer fire department. (Ord. #127, July 1998)

7-208. Assistant to state commissioner. Pursuant to requirements of *Tennessee Code Annotated* § 68-102-108, the volunteer fire chief is designated as an assistant to the State Commissioner of Commerce and Insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (Ord. #127, July 1998)

7-209. Assisting surrounding communities. Personnel and/or equipment of the Town of Mosheim Volunteer Fire Department may be used for fighting any fire outside the town limits if:

(1) In the opinion the fire chief, the fire is in such hazardous proximity to property owned or located within the town as to endanger the town property; and

(2) The board of mayor and alderman has developed policies for providing emergency service outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of:

(a) The Local Government Emergency Assistance Act of 1987, as amended, codified in the *Tennessee Code Annotated*, §§ 58-2-601, *et seq.*;

(b) *Tennessee Code Annotated*, §§ 12-9-101, *et seq.*; or

(c) *Tennessee Code Annotated*, § 6-54-601. (Ord. #127, July 1998)

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

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE IN RETAIL FOOD STORES.

CHAPTER 1**INTOXICATING LIQUORS**²**SECTION**

- 8-101. Definition of alcoholic beverages.
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on premises.
- 8-104. Annual privilege tax to be paid to the town recorder.
- 8-105. Advertisement of alcoholic beverages.
- 8-106. Violations and penalty.

8-101. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise, alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, or wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content as defined in *Tennessee Code Annotated*, § 57-5-101. (Ord. #269, April 2017, modified)

8-102. Consumption of alcoholic beverages on premises. *Tennessee Code Annotated*, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Mosheim, Tennessee. It is the intent of the board of mayor

¹Municipal code reference

Minors in beer places, etc.: title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

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

and aldermen that the said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be effective in Mosheim, Tennessee the same as if said code sections were copied herein verbatim. (Ord. #269, April 2017)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on premises. Pursuant to (in the same amounts levied by *Tennessee Code Annotated*, title 57, chapter 4, § 301, for the Town of Mosheim general fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Mosheim on alcoholic beverages for consumption on the premises where sold. (Ord. #269, April 2017)

8-104. Annual privilege tax to be paid to the town recorder. Any person, firm, corporation, joint stock company, syndicate, or association exercising the privilege of selling alcoholic beverages for consumption the premises in the Town of Mosheim shall remit annually to the town recorder the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or associations failing to make payment of the appropriate tax when due, shall be subject to the penalty provided by law. (Ord. #269, April 2017)

8-105. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to *Tennessee Code Annotated* title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (Ord. #269, April 2017)

8-106. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

CHAPTER 2

BEER

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record keeping.
- 8-204. Quorum and action.
- 8-205. Powers and duties.
- 8-206. "Beer" definition.
- 8-207. Permit required.
- 8-208. Permits shall be restrictive.
- 8-209. Interference with public health, safety, and morals.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by permit holders.
- 8-212. Revocation or suspension of permits.
- 8-213. Possession of open intoxicants prohibited.
- 8-214. Violations and penalty.

8-201. Beer board established. The members of the board of mayor and aldermen shall serve as the Beer Board of the Town of Mosheim, Tennessee. (Ord. #45, May 1983)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof. The board may adjourn a meeting at any time to another time and place. (Ord. #45, May 1983)

8-203. Record keeping. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #45, May 1983)

8-204. Quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member

present but not voting shall be deemed to have cast a "nay" vote. (Ord. #45, May 1983)

8-205. Powers and duties. The beer board shall have the power and is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provision of this chapter. (Ord. #45, May 1983)

8-206. "Beer" definition. The term "beer" shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101. (Ord. #45, May 1983, as amended by Ord. #266, Feb. 2017)

8-207. Permit required. (1) 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 fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Mosheim. 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.

(2) Privilege tax. There is hereby imposed on the business of selling, distributing, storing, or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate, or association engaged in the sale, distribution, storage, or manufacture of beer shall remit the tax on January 1, 1994, and each successive January, to the Town of Mosheim, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

(3) Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation, 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 or revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed, if the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(4) Timely filing of application for permit to sell beer. All applications for a permit to sell beer must be properly and timely filed with the Town of Mosheim Recorder at least fourteen (14) days prior to consideration of the

application by the beer board. (Ord. #45, May 1983, as amended by Ord. #87, Feb. 1994, and Ord. #140, July 2000)

8-208. Permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Permits for the retail sale of beer may be further restricted by the beer board so as to authorize sale of only unrefrigerated beer for off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the board. (Ord. #45, May 1983)

8-209. Interference with public health, safety, and morals. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other such places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within two hundred feet (200') of any school, church, or other such building of public gathering, measured in a straight line from the nearest point on the business building to the nearest point on the school building, church building, or other such building of public gathering. (Ord. #45, May 1983, as amended by Ord. #57, Jan. 1986, and Ord. #117, May 1997, modified)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (Ord. #45, May 1983)

8-211. Prohibited conduct or activities by permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years;
- (2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer;
- (3) Allow any loud, unusual, or obnoxious noises to emanate from his premises;
- (4) Make or allow any sale of beer to any person under twenty-one (21) years of age or to allow any person under twenty-one (21) years of age to loiter in or about his place of business;

- (5) Allow drunk or disreputable persons to loiter about his premises.
- (6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than the definition appearing in *Tennessee Code Annotated*, § 57-5-101; or
- (7) Allow dancing on his premises, unless said establishment has a seating capacity of at least one hundred (100) persons, parking spaces for no fewer than fifty (50) automobiles and, provided further, that said establishment is engaged in serving and selling food no fewer than five (5) days per week and, provided further, that said establishment is located no less than two hundred feet (200') from an existing residential dwelling as measured from building to building in a straight line. (Ord. #45, May 1983, as amended by Ord. #67, May 1990, modified)

8-212. Revocation or suspension of permits. (1) The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

(2) Pursuant to *Tennessee Code Annotated*, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated*, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under *Tennessee Code Annotated*, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

8-213. Possession of open intoxicants prohibited. It shall be unlawful for any person to possess open beer, wine, or other intoxication beverage at any public place, including streets, sidewalks, public buildings, and parking areas, within the Town of Mosheim, Tennessee. Violation of this provision shall be punishable by a fine in the sum of fifty dollars (\$50.00), together with costs. (Ord. #51, Sept. 1984)

8-214. 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 IN RETAIL FOOD STORES

SECTION

8-301. Inspection fee on retail food store wine licensees.

8-302. Application for certificate.

8-301. Inspection fee on retail food store wine licensees. Pursuant to the authority contained in *Tennessee Code Annotated*, §§ 57-3-501, *et seq.*, there is hereby imposed an inspection fee on retail food store wine licensees. The inspection fee shall be five percent (5%) of the wholesale price of alcoholic beverages as defined in *Tennessee Code Annotated*, § 57-3-101(a)(1)(A) supplied by a wholesaler to a retail food store wine licensee.

8-302. Application for certificate. Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-806, shall be signed by the mayor, or by any aldermen, a request in writing shall be filed with the recorder giving the following information:

- (1) Name, age, and address of the applicant;
- (2) Number of years residence at applicant's address;
- (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years;
- (4) The location of the proposed store for the sale of alcoholic beverages;
- (5) The name and address of the owner of the store; and
- (6) If the applicant is a partnership, the name, age, and address of each partner. If the applicant is a corporation, the name, age, and address of the executive officers or those who will be in control of the package store.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

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

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. CABLE TELEVISION.
4. ADULT-ORIENTED ESTABLISHMENTS.
5. SEASONAL RETAILERS.
6. MASSAGE PARLORS.

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

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violations and penalty.

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

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

¹Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-501.

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

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

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business.

9-103. Permit required. No person, firm, or corporation shall operate a business as a peddler, transient vendor, or solicitor shall solicit within the

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 fourteen (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).

town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (modified)

9-104. 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, or as a solicitor for subscriptions.

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

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

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

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

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

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

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, 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 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. (modified)

9-105. Restrictions on peddlers and solicitors. No peddler, solicitor, or solicitor for subscriptions shall:

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

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

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

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise; or

(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. (modified)

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

9-107. Display of permit. Each peddler, solicitor, 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. (modified)

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

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors, and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. (modified)

9-110. Violations and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such

violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 2

YARD SALES

SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Permit conditions.
- 9-206. Hours of operation.
- 9-207. Exceptions.
- 9-208. Display of sale property.
- 9-209. Display of permit.
- 9-210. Persons exempted from chapter.
- 9-211. Violations and penalty.

9-201. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Personal property" shall mean property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(2) "Yard sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance¹, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

9-202. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property.

¹Municipal code reference

Zoning ordinance: title 14, chapter 2.

9-203. Permit required. No yard sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefor from the recorder. Members of more than one (1) residence may join in obtaining a permit for a yard sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location.

9-204. Permit procedure. (1) Application. The applicant or applicants for a yard sale permit shall file a written application with the recorder at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants;
- (b) The location at which the proposed yard sale is to be held;
- (c) The date or dates upon which the sale shall be held;
- (d) The date or dates of any other yard sales by the same applicant or applicants within the current calendar year;
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale; and
- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Permit fee. An administrative processing fee of five dollars (\$5.00) for the issuance of such permit shall accompany the application.

(3) Issuance of permit. Upon the applicant complying with the terms of this chapter, the recorder shall issue a permit.

9-205. Permit conditions. The permit shall set forth and restrict the time and location of such yard sale. No more than three (3) such permits may be issued to one (1) residential location, residence, and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than six (6) permits may be issued for any nonresidential location during any calendar year.

9-206. Hours of operation. Yard sales shall be limited in time to no more than 9:00 A.M. to 6:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday).

9-207. Exceptions. (1) If sale not held because of inclement weather. If a yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the recorder shall issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Fourth sale permitted. A fourth yard sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the recorder.

9-208. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard.

9-209. Display of permit. Any permit in possession of the holder or holders of a yard sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any town official.

9-210. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following.

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the Town of Mosheim, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer, or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.

9-211. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a penalty under the general penalty provision of this code.

CHAPTER 3

CABLE TELEVISION

SECTION

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television shall be furnished to the Town of Mosheim and its inhabitants under franchise granted to Xfinity by the board of mayor and aldermen of the Town of Mosheim, Tennessee. The rights, powers, duties, and obligations of the Town of Mosheim and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned¹. (Ord. 66, Mar. 1990, modified)

¹For complete details relating to the cable television franchise agreement see Ordinance no. 66 dated Mar. 1990 in the office of the recorder.

CHAPTER 4

ADULT-ORIENTED ESTABLISHMENTS¹

SECTION

- 9-401. Purpose.
- 9-402. Definitions.
- 9-403. License required.
- 9-404. Application for license.
- 9-405. Standards for issuance of license.
- 9-406. Permit required.
- 9-407. Application for permit.
- 9-408. Standards for issuance of permit.
- 9-409. Fees.
- 9-410. Display of license or permit.
- 9-411. Renewal of license or permit.
- 9-412. Revocation of license or permit.
- 9-413. Hours of operation.
- 9-414. Responsibilities of the operator.
- 9-415. Prohibitions and unlawful sexual acts.
- 9-416. Violations and penalty.

9-401. 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 town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the town. It is not the intent nor effect of this chapter 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.

9-402. 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

¹State law references

Tennessee Code Annotated, §§ 7-51-1101 to 7-51-1122 and 7-51-1401 to 7-51-1407

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 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.

(4) "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.

(5) "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.

(6) "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.

(7) "Board of mayor and aldermen" means the Board of Mayor and Aldermen of the Town of Mosheim, Tennessee.

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

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

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

(11) "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.

(12) "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; or

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

9-403. 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 Town of Mosheim without first obtaining a license to operate issued by the Town of Mosheim.

(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.

9-404. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the Town of Mosheim. 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, town, 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 therefor, 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 town 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 Town of Mosheim, 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 town 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 Mosheim 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 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 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 town attorney shall institute suit for declaratory judgment in the Chancery Court of Greene 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 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.

9-405. 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 § 9-403 shall be at least eighteen (18) years of age.
 - (ii) No officer, director, or stockholder required to be named under § 9-403 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 Mosheim 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.

9-406. 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.

9-407. 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 town 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 town 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 town 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 Town of Mosheim, 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 Mosheim 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.

9-408. 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 Mosheim 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.

9-409. 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.

9-410. 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 Mosheim Police Department, or any person designated by the board of mayor and aldermen.

9-411. 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 town 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 Mosheim 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 town 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 Mosheim Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief.

9-412. 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 town 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 town 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 Greene 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.

9-413. 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 Mosheim Police Department, the Greene County Sheriff's Department, or such other persons as the board of mayor and aldermen may designate.

9-414. 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 Mosheim 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 Mosheim 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 Town of Mosheim Municipal Code. Entertainers are:

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

9-415. 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.

9-416. 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 5

SEASONAL RETAILERS

SECTION

- 9-501. Privilege license.
- 9-502. Seasonal retailers license restrictions.
- 9-503. Distributors and retailers license restrictions.
- 9-504. Fireworks retailer regulations.

9-501. Privilege license. It shall be unlawful for any retailers or distributor of fireworks, as defined in *Tennessee Code Annotated* §§ 68-104-101, et seq., to sell, either at retail or at wholesale, fireworks within the municipal boundaries of the Town of Mosheim without first obtaining a privilege license, executed either by the town mayor or municipal fire chief, from the Town of Mosheim. (Ord. #133, Oct. 1999)

9-502. Seasonal retailers license restrictions. For seasonal retailers such privilege license shall be valid only for one (1) vendor at one (1) site, for a period of time not exceeding twenty-one (21) consecutive days, shall be issued by the Town of Mosheim upon presentation to either to the town mayor or municipal fire chief of a current, valid, proper permit issued to the retailer by the Tennessee State Fire Marshal, and upon payment to the Recorder's Office for the Town of Mosheim a non-refundable processing fee of one hundred fifty dollars (\$150.00). (Ord. #133, Oct. 1999)

9-503. Distributors and retailers license restrictions. For distributors and for retailers, other than seasonal retailers, such privilege license, valid only for one (1) vendor, at one (1) site, for a period not exceeding three hundred sixty-five (365) days consecutive days shall be issued by the Town of Mosheim upon presentation to either the town mayor or municipal fire chief of a current, valid, proper permit issued to the retailer or distributor by the Tennessee State Fire Marshal, and upon payment to the recorder's office for the Town of Mosheim of a non-refundable processing fee of three hundred dollars (\$300.00). (Ord. #133, Oct. 1999)

9-504. Fireworks retailer regulations. It shall be unlawful, and cause for privilege license revocation, for a retailer or seasonal retailer to allow smoking, consumption of alcoholic beverages, or the firing of fireworks within fifty feet (50') of the site where the fireworks are stored for sale or distribution as designated on the privilege license fee of three hundred dollars (\$300.00). (Ord. #133, Oct. 1999)

CHAPTER 6

MASSAGE PARLORS

SECTION

- 9-601. Parlors prohibited.
- 9-602. Performing massage prohibited.
- 9-603. Business manager regulations.
- 9-604. Exceptions.
- 9-605. Violations and penalty.

9-601. Parlors prohibited. It shall be unlawful for any establishment, firm, partnership, or corporation, regardless of whether it is a public or private facility, to operate as a massage parlor, bath parlor, or similar type business wherein physical contact is made between persons and the recipient of such service is provided same by another person in the Town of Mosheim. (Ord. #44, May 1983)

9-602. Performing massage prohibited. It shall be unlawful for any person to perform body massages on the premises of the establishments set forth in § 9-601, either by hand or mechanical apparatus on a person. (Ord. #44, May 1983)

9-603. Business manager regulations. It shall be unlawful for any person managing or controlling any place of business to cause or permit any agent, employee, or other person under his control and supervision to participate in the conduct prohibited by §§ 9-601 and 9-602. (Ord. #44, May 1983)

9-604. Exceptions. The provisions of this section shall not apply to massage treatments given:

- (1) In the office of a licensed physician, osteopath, chiropractor, or physical therapist;
- (2) In a regularly established medical center, hospital, or sanitarium;
- (3) In a residence of a person under a doctor's care at the direction of the doctor; or
- (4) Upon the order of a licensed physician, osteopath, chiropractor, or physical therapist. (Ord. #44, May 1983)

9-605. Violations and penalty. Any person who shall violate §§ 9-601 - 9-603 shall be fined as set forth in the general penalty clause for this code. (Ord. #44, May 1983)

TITLE 10**ANIMAL CONTROL¹****CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Adequate food, water, and shelter to be provided.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Disposal of dead animals.
- 10-106. Seizure and disposition of animals.
- 10-107. Inspections of premises.
- 10-108. 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 or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (Ord. #248, May 2013)

10-102. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (Ord. #248, May 2013)

10-103. Adequate food, water, and shelter to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (Ord. #248, May 2013)

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

10-104. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of noise, odor, contagious disease, or other reason. (Ord. #248, May 2013)

10-105. Disposal of dead animals. The remains of any domesticated animal that has died must be properly disposed of by the animal's owner within twenty-four (24) hours of the animal's death. "Proper disposal" means any method approved by the Tennessee Department of Agriculture guidelines for the disposal of dead animals. (Ord. #248, May 2013)

10-106. Seizure and disposition of animals. If any animal or fowl is found running at large or otherwise being kept in violation of this chapter, the Town of Mosheim shall contact the appropriate authorities, including, but not limited to, the Greene County Animal Shelter and the Tennessee Department of Agriculture, to abate the violation. (Ord. #248, May 2013)

10-107. Inspections of premises. For the purpose of making inspections to ensure compliance with the provisions of this chapter, the building inspector, the Mayor, or the Mayor's authorized representative shall be authorized to enter, at any reasonable time, any premises where he has reasonably cause to believe an animal or fowl is being kept in violation of this chapter. (Ord. #248, May 2013)

10-108. 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 without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-rabies Law." (*Tennessee Code Annotated* §§ 53-901, *et seq.*) (Ord. #50, July 1984)

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. (Ord. #50, July 1984)

10-203. Running at large prohibited.¹ It shall be unlawful for any person to knowingly permit any dog owned by him, or under his control, to run at large within the corporate limits of the Town of Mosheim, Tennessee. (Ord. #50, July 1984)

10-204. Vicious dogs.² It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is confined and/or otherwise securely restrained so as to provide reasonable protection of other animals and persons. (Ord. #50, July 1984)

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).

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. (Ord. #50, July 1984)

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 county health officer, any deputy sheriff, or any member of the board of mayor and aldermen may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid; such confinement shall be at the sole and exclusive expense of the owner of the animal. (Ord. #50, July 1984)

10-207. Seizure and disposition of dogs.¹ Any dog found to be running at large may be seized by the county health officer, any deputy sheriff, or any humane or similar officer and placed in a pound designated by the board of mayor and aldermen. If such dog is wearing a tag, the owner shall be notified in person by telephone or by postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee or the animal will be humanely destroyed or sold. If said dog is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and a tag evidencing such vaccination is placed on its collar. (Ord. #50, July 1984)

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 thirty (30) days of the adoption if the animal is sexually mature, or within thirty (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.

10-208. Destruction of vicious or infected dogs running at large.¹

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it shall summarily destroyed. (Ord. #50, July 1984)

10-209. 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.

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
4. LITTERING.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking alcoholic beverages in public, etc.
 11-102. Minors in beer places.
 11-103. Violations and penalty.

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place.

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

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

¹Municipal code references

Animals and fowls: title 10.

Building and utilities: title 12.

Fireworks and explosives: title 7.

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

Traffic offenses: title 15.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Anti-noise regulations.

11-202. Violations and penalty.

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 person 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, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(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.

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

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

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

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplified 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. (modified)

11-202. 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 3

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-301. Trespassing.

11-302. Interference with traffic.

11-303. Violations and penalty.

11-301. Trespassing. (1) On premises open to the public.

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

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

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

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

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

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.¹

11-302. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

11-303. 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 4

LITTERING

SECTION

- 11-401. Definitions.
- 11-402. Littering offenses.
- 11-403. Scope of regulation.
- 11-404. Violations and penalty.

11-401. Definitions. As used in this chapter, unless the context otherwise requires:

- (1) "Commercial purpose" means litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity.
- (2) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- (3) "Litter" includes garbage, refuse, rubbish, and all other waste material, including a tobacco product as defined in *Tennessee Code Annotated*, § 39-17-1503(9) and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked.
- (4) "Refuse" includes all putrescible and nonputrescible solid waste.
- (5) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste.

11-402. Littering offenses. (1) A person commits the civil offense of littering who:

- (a) Knowingly places, drops, or throws litter on any public or private property without permission and does not immediately remove it;
 - (b) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or
 - (c) Negligently discharges sewage, minerals, oil products, or litter into any public waters or lakes within this state.
- (2) Whenever litter is placed, dropped, or thrown from any motor vehicle, boat, airplane, or other conveyance in violation of this section, the town judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that the operator of the conveyance has committed littering.
- (3) Whenever litter discovered on public or private property is found to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings that display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, the

town judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that such person has committed littering.

11-403. Scope of regulation. The regulation of litter in this chapter is limited to amounts of litter less than or equal to five pounds (5 lbs.) in weight or seven and one-half (7.5) cubic feet in volume.

11-404. Violations and penalty. Littering is a civil offense punishable by a penalty under the general penalty provision of this code.

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. FUEL GAS CODE.
4. RESIDENTIAL CODE.
5. ENERGY CONSERVATION CODE.
6. MECHANICAL CODE.
7. PROPERTY MAINTENANCE CODE.
8. EXISTING BUILDING CODE.
9. BUILDING PERMITS.

CHAPTER 1**BUILDING CODE**¹**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 regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*,² 2012 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code

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.

as fully as if copied herein verbatim, and is hereinafter referred to as the building code.

12-102. Modifications. Whenever the words "building official" are used in the building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the building code.

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

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

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 town, when such plumbing is or is to be connected with the town water or sewerage system, the *International Plumbing Code*,² 2012 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the plumbing code.

12-202. Modifications. Whenever the words "building official" are used in the plumbing code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the plumbing code.

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

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. The violation of any section of this chapter

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) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

FUEL GAS CODE

SECTION

- 12-301. Title and definitions.
- 12-302. Purpose and scope.
- 12-303. Available in the recorder's office.
- 12-304. Use of existing piping and appliances.
- 12-305. Bond and license.
- 12-306. Gas inspector and assistants.
- 12-307. Powers and duties of inspector.
- 12-308. Permits.
- 12-309. Inspections.
- 12-310. Certificates.
- 12-311. Fees.
- 12-312. Nonliability.
- 12-313. Violations and penalty.

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

(1) "Building official" shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the gas code.

(2) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

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

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

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

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

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the *International Fuel Gas*

Code,¹ 2012 edition, is hereby adopted and incorporated by reference and made a part of this chapter as if fully set forth herein and shall be referred to as the gas code.

12-303. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the 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.

12-304. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code.

12-305. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the mayor a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in

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

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees.

12-306. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen.

12-307. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

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

12-308. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the mayor; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

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

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to

extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system.

12-309. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six inches (6") in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping.

12-310. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service.

12-311. Fees. There shall be charged a fee of forty dollars (\$40.00) for each gas permit issued. This fee shall include the costs of one (1) inspection to be made by the gas inspector. Should additional inspections be necessary, there shall be an added charge of forty dollars (\$40.00) for each such inspection. (modified)

12-312. Nonliability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector.

12-313. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable under the general penalty provision of this code, or the license of such person may be revoked, or both fine and revocation of license may be imposed. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

RESIDENTIAL CODE

SECTION

12-401. Residential code adopted.

12-402. Modifications.

12-403. Available in recorder's office.

12-404. Automatic fire sprinkler systems for townhouses.

12-405. Violations and penalty.

12-401. Residential code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing building, plumbing, mechanical, and electrical provisions, the *International Residential Code*,¹ 2012 edition, is and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the residential code.

12-402. Modifications. The following sections are hereby revised to read as follows:

(1) Definitions. Whenever the words "building official" are used in the residential code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the residential code.

(2) Automatic sprinkler system standards. Section R 313 pertaining to automatic sprinkler systems for townhouses and residential dwellings for single family and double family dwellings is hereby deleted.

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

12-404. Automatic fire sprinkler systems for townhouses. Section R313.1 regarding automatic sprinkler systems in townhouses, replace the existing exception with the following exception: "An automatic residential fire sprinkler system shall not be required if a two (2) hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall." (Ord. #270, April 2017)

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

12-405. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 5

ENERGY CONSERVATION CODE¹

SECTION

- 12-501. Energy code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Energy 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 2012 edition, and all subsequent amendments or additions to said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the energy code.

12-502. Modifications. Whenever the words "building official" are used in the energy conservation code, they shall refer to the person designated , by the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

12-503. Available in recorder's office. Pursuant to the requirements of *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.

12-504. Violations and penalty. It shall be unlawful 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

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.

punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 6

MECHANICAL CODE¹

SECTION

- 12-601. Mechanical code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations and penalty.

12-601. Mechanical 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 mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the *International Mechanical Code*,² 2012 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim and is hereinafter referred to as the mechanical code.

12-602. Modifications. Whenever the words "building official" are used in the mechanical code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the mechanical code.

12-603. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-604. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted. The violation of any section of this chapter shall be punishable by a

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

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

CHAPTER 7

PROPERTY MAINTENANCE CODE**SECTION**

- 12-701. Property maintenance code adopted.
12-702. Modifications.
12-703. Available in recorder's office.
12-704. Violations and penalty.

12-701. Property maintenance code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said *International Property Maintenance Code*,¹ 2012 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the property maintenance code.

12-702. Modifications. Whenever the words "building official" are used in the property maintenance code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the property maintenance code.

12-703. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of

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

this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 8

EXISTING BUILDING CODE

SECTION

- 12-801. Existing building code adopted.
- 12-802. Modifications.
- 12-803. Available in recorder's office.
- 12-804. Violations and penalty.

12-801. Existing building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a concise set of regulations and procedures to effect safety in occupancy, the *International Existing Building Code*,¹ 2012 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the existing building code.

12-802. Modifications. Whenever the words "building official" are used in the existing building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the existing building code.

12-803. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the existing 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.

12-804. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

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

CHAPTER 9

BUILDING PERMITS

SECTION

- 12-901. Short title.
- 12-902. Purpose.
- 12-903. Creation of building inspector position.
- 12-904. Building permit required.
- 12-905. Setback requirements for the location of buildings.
- 12-906. Requirements for the construction or maintenance of a driveway approach.
- 12-907. Conflict with other ordinances.
- 12-908. Permit requirement.
- 12-909. Fee schedule.
- 12-910. Permit expiration.
- 12-911. Violations and penalty.

12-901. Short title. This chapter shall be known as the "Building Permit Ordinance for the Town of Mosheim, Tennessee." (Ord. #24, April 1978)

12-902. Purpose. For the purpose of ensuring that all buildings are properly located on the building lot in a manner that will provide adequate light and air and provide sufficient space between buildings to lessen congestion and fire danger, and provide for both public and private drainage and utility easements, and allow open areas for the moving of fire trucks and other emergency vehicles and prevent the location of buildings too close to public streets and rights-of-way the Town of Mosheim hereby establishes this building permit chapter. This chapter shall also regulate the location of driveway approaches to the public streets of Mosheim in order to maintain adequate drainage and prevent traffic hazards and traffic congestion. (Ord. #24, April 1978)

12-903. Creation of building inspector position. The office of building inspector is hereby created and the person or persons to fill the position of building inspector shall be designated by the Mosheim Board of Mayor and Aldermen. The building inspector shall administer and enforce the provisions of this chapter. If the building inspector finds a violation of this chapter, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

The building inspector shall review all building permit applications to assure that the requirements of this chapter have been satisfied and shall keep or cause to be kept a complete and permanent record of building permit applications and permits issued or refused. (Ord. #24, April 1978)

12-904. Building permit required. Prior to the erection, addition, location, or alteration of any building or structure or portion thereof located in the Town of Mosheim, and prior to the construction or maintaining of a driveway approach, a building permit shall be obtained. Applications for a permit shall be made with the town building inspector's office. The charge for the building permit may be found in the fee schedule listed in § 12-909 below. (Ord. #24, April 1978, modified)

12-905. Setback requirements for the location of buildings. Minimum setback requirements for the location of structures within the Town of Mosheim shall be as follows:

Minimum Yard Requirements from Property Lines

	<i>Front</i>	<i>Side (each side)</i>	<i>Rear</i>
Commercial structures	30	10	25
Industrial structures	30	15	25
Residential structures	30	15	25

When a structure is located on a corner lot, the setback on both front and side yard shall be thirty feet (30'). (Ord. #24, April 1978, modified)

12-906. Requirements for the construction or maintenance of a driveway approach. The location of each driveway approach shall be determined by the building inspector based on an on sight inspection of the property for which the request was made. In determining the location of a driveway approach the building inspector shall be guided by the following regulations.

(1) No driveway approach shall be permitted within five feet (5') of the right-of-way of intersecting streets.

(2) No driveway or series of driveway approaches serving other than residential property shall be permitted to be constructed in such a way that the exit from said property would be accomplished by backing vehicles into street right-of-way or roadway.

(3) Maximum width for residential driveways shall be fifteen feet (15') for single driveways and twenty-four feet (24') for double driveways with not more than one driveway approach permitted on lots with less than seventy-five feet (75') frontage on a public road.

(4) Maximum width for commercial driveways shall be thirty-five feet (35') in width.

(5) All drainage culverts for driveway approaches shall be installed by the developer or builder. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than fifteen inches (15") in diameter. (Ord. #24, April 1978)

12-907. Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mosheim, the most restrictive in all cases shall apply. (Ord. #24, April 1978)

12-908. Permit requirement. It shall be unlawful for any person, firm, corporation, or other entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building or structure within the municipal corporate boundaries of the Town of Mosheim, Tennessee or cause the same to be done, without first applying for and receiving from the Town of Mosheim a building permit and paying to the Town of Mosheim the requisite fees as scheduled herein. (Ord. #217, Aug. 2009)

12-909. Fee schedule. The following schedule of fees required to be paid to the Town of Mosheim prior to the issuance of any building permit shall be and hereby is adopted by the board of mayor and aldermen on behalf of the Town of Mosheim:

<i>Schedule of fees</i>	
Single-wide mobile homes	\$50.00
All single-family residences, detached condominium units, detached Planned Unit Development (PUD) units, double-wide mobile homes, triple-wide mobile homes, detached single-family sectional or modular homes and other detached single-family manufactured homes.	\$150.00
Apartment building (first unit only)	\$150.00
Apartment building (each additional unit following the first unit)	\$ 50.00
Attached multiple, single-family dwellings (duplexes, triplexes, etc.) per single-family dwelling unit	\$150.00
Buildings or outbuildings, not to be occupied as residences but to be used as accessories to a residence	\$20.00
Additions to existing residence:	
Enclosure of structure area have pre-existing footers and roof	\$50.00
Constructions of addition without pre-existing footers or roof	\$150.00

<i>Schedule of fees</i>	
All commercial and/or industrial buildings and structures, and all other buildings and structures not otherwise scheduled herein.	
Building or structure having an initial construction cost of \$1.00 up to \$200,000.00	\$150.00
Building or structures having an initial construction cost of \$200,001.00 up to \$500,000.00	\$300.00
Buildings or structures having an initial construction cost of exceeding \$500,000.00	\$500.00

(Ord. #217, Aug. 2009)

12-910. Permit expiration. (1) Any building permit issued by the Town of Mosheim shall automatically expire and terminate and be of no further force and effect in the event that the named permittee shall not have commenced within one hundred eighty (180) days of date of issuance of the building permit, visible, permitted operations, excluding however, surveying, filling, placement of temporary electrical service lines, erection of temporary security or environment barriers or fences, and the delivery of construction materials.

(2) In the event that there is a cessation of all operations at the site of the proposed permitted building or structure for more than one hundred eighty (180) days, the building permit shall automatically expire and terminate and be of no further force and effect.

(3) Upon expiration or termination of a building permit, it shall be unlawful for the named permittee to proceed with further operations without first applying for and obtaining a new building permit from the Town of Mosheim. (Ord. #217, Aug. 2009)

12-911. Violations and penalty. Any person, firm, or corporation violating any of the provisions of this chapter, or causing, permitting, or suffering the same to be done, shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. #24, April 1978)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. JUNKED MOTOR VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

13-101. 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. (Ord. #262, April 2016)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (Ord. #262, April 2016)

13-103. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds

¹Municipal code references

Animal control: title 10.

Littering generally: title 11.

Littering streets, etc.: § 16-107.

Property maintenance code: title 12.

Wastewater treatment: title 18, chapter 2.

on his property, and it shall be unlawful for any person to fail to comply with an order by the building inspector to cut such vegetation when it has reached a height of over one foot (1'). (Ord. #262, April 2016)

13-104. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintain on such property the growth of trees, vines, grass, underbrush, and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

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

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain English language to remedy the condition within ten (10) days or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials, excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States mail, addressed to the last known address of the owner of record. The notice shall state the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of ordinance #262 of Town of Mosheim, Tennessee, which has been enacted under the authority *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition with the ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the building inspector shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be

assessed against the owner of the property. Upon the filing of the notice with the office of the Register of Deeds in Greene County, the costs shall be a lien on the property in favor, of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of Greene County, Tennessee as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

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

(6) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances, or other applicable law which permits the town to proceed against an owner, tenant, or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush, and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #262, April 2016)

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 Town of Mosheim office and dispose of such animal in such manner as the town shall direct. (Ord. #262, April 2016)

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 the 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. (Ord. #262, April 2016)

13-107. Violations and penalty. Violations of this chapter shall be subject the offender to a civil penalty of fifty dollars (\$50.00) per offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #262, April 2016)

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 salvage 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 board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident, or other calamities, lack of ventilation, light, or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety, and morals, or otherwise inimical to the welfare of the residents of the town. (Ord. #262, April 2016)

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 board of mayor and aldermen charged with governing the town.

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

(4) "Owner" shall mean the holder of title in fee simple and every mortgage 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 an housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the 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. #262, April 2016)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer" to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. #262, April 2016)

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 town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public office (on his own motion) that any structure is unfit for human occupancy 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 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 court of law or equity shall not be controlling in hearings before the public officer. (Ord. #262, April 2016)

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 occupancy

or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration, or improvement of the structure can be made at 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 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. #262, April 2016)

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 of occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #262, April 2016)

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. #262, April 2016)

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 Greene County, be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, and lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded perfected by filing, prior to the filing of such notice. These costs shall be collected by the county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent

jurisdiction. The municipality may bring one (1) action for debt against more than one (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 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 Greene County by the public officer, shall be secured in such a manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Mosheim to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #262, April 2016)

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 occupancy and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety, or morals of the occupants or users of such structure, the occupants or users of neighboring structures, or other residents of the Town of Mosheim. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (Ord. #262, April 2016)

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 Greene County, Tennessee. 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 Greene County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #262, April 2016)

13-211. Enjoining enforcement of orders. (1) 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.

(2) The remedy provided herein shall be the exclusive remedy and no person affected by any 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. #262, April 2016)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuated the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

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

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

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

(5) To delegate any of his functions and powers under this chapter to such officers. (Ord. #262, April 2016)

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 violation thereof, and the powers conferred by this chapter shall be in addition and supplement the powers conferred by the charter and other laws. (Ord. #262, April 2016)

13-214. Structures unfit for human habitation deemed unlawful.

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

(2) Violations of this section shall subject the offender to a civil penalty of one hundred dollars (\$100.00) per offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #262, April 2016)

CHAPTER 3**JUNKYARDS**^{1,2}**SECTION**

- 13-301. Short title.
- 13-302. Definitions.
- 13-303. General provisions.
- 13-304. Violations and penalty.

13-301. Short title. This chapter shall be known as the "Junk Control Ordinance" of the Town of Mosheim, Tennessee. (Ord. #48, Dec. 1983)

13-302. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this chapter:

(1) "Junk." For the purpose of this chapter, the term "junk" shall mean any motor vehicle, machinery, appliance, product, or merchandise with parts missing, or scrap metal, or other scrap materials that are damaged, deteriorated, or that are in a condition which prevents their use for the purpose for which they were intended. This definition specifically includes motor vehicles not movable under their own power, and that cannot be made so movable by minor repairs such as inflating a tire or installing fuel or battery.

(2) "Junk dealer." Any person, in any way acquiring, buying, selling, exchanging, trading, or dealing in scrap iron, brass, second-hand metals, or parts of any sort.

(3) "Junkyard." Any open or uncovered land on which dilapidated automobiles, rags, old papers, boxes, barrels, or other used articles defined as "junk" herein, are assembled for purposes of trade. (Ord. #48, Dec. 1983)

13-303. General provisions. It shall be unlawful and a violation of this chapter for any person, firm, or corporation to keep or store "junk" as defined in § 13-302 in the Town of Mosheim, unless such junk is located and stored in such a manner as to not be visible from adjacent property, including public streets. In no event shall it be lawful for any person, firm, or corporation, to allow junk, as defined in § 13-302, to accumulate on any property not properly prepared for the storage of junk. Nothing contained in this section shall be construed to

¹Municipal code reference
Refuse and trash disposal: title 17.

²State law reference
Tennessee Code Annotated, § 7-51-701.

prevent persons, firms, or corporations which repair motor vehicles, appliances, etc., from accumulating unserviceable articles left with them in the normal course of their business, provided, however, such unserviceable articles shall not be visible from adjoining property. (Ord. #48, Dec. 1983)

13-304. Violations and penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. #48, Dec. 1983)

CHAPTER 4

JUNKED MOTOR VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Violations a civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Violations and penalty.

13-401. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings.

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation, or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including, but not limited to, any one (1) or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, or gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own

power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste, or discarded materials in such quantity, quality, and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in, or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(b) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides, or skids, including, but not limited to, automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

13-402. Violations a civil offense.¹ It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle;

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle; or

(3) To park, store, keep, or maintain on private property a junk vehicle.

13-403. Exceptions. (1) It shall be permissible for a person to park, store, keep, and maintain a junked vehicle on private property under the following conditions.

¹State law reference

Tennessee Code Annotated, § 55-5-122.

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking, or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance, and other regulations governing business engaged in wrecking, junking, or repairing vehicles.

(2) No person shall park, store, keep, and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the town.

13-404. Enforcement. Pursuant to *Tennessee Code Annotated*, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may:

(1) Request the town judge to issue a summons; or

(2) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by *Tennessee Code Annotated*, §§ 7-63-101, *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

In addition, pursuant to *Tennessee Code Annotated*, § 55-5-122, the municipal court may issue an order to remove vehicles from private property.

13-405. Violations and penalty. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation.

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. MOBILE HOME PARKS.

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 another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (modified)

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.

14-103. Additional powers.¹ 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.

¹State law reference

To make this section effective the municipality should request the state department of economic and community development, under authority granted by *Tennessee Code Annotated*, § 13-3-102 to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-202. Violations and penalty.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Mosheim shall be governed by the "Zoning Ordinance of Mosheim, Tennessee,"¹ and any amendments thereto.

14-202. Violations and penalty. Violations of the zoning ordinance 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.

¹The zoning ordinance, and any amendments, are of record in the office of the recorder.

CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

- 14-301. Statutory authorization, findings of fact, statement of purpose, and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.
- 14-307. Legal status provisions.

14-301. Statutory authorization, findings of fact, statement of purpose, and objectives. (1) Statutory authorization. The legislature of the State of Tennessee has in the private act charter delegated the responsible units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Mosheim, Tennessee, Board of Mayor and Aldermen do ordain as follows.

(2) Findings of fact. (a) The Town of Mosheim, Tennessee Board of Mayor and Aldermen wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations fund in title 44 of the Code of Federal Regulations (CFR) ch. 1, section 60.3.

(b) Areas of the Town of Mosheim, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging, and other development which may increase flood damage or erosion; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) **Objectives.** The objectives of this chapter are:

(a) To protect human life, health, safety, and property;

(b) To minimize expenditures of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in flood-prone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a flood-prone area; and

(h) To maintain eligibility for participation in the NFIP. (Ord. #253, Dec. 2013)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater chance of flooding to an average depth of one to three feet (1' to 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard." See "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Base Flood Elevation (BFE)" means the elevation of surface water resulting from flood that has a one percent (1%) chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AS, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE.

(9) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Building." See "structure."

(11) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(12) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls

adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(13) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(14) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(15) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to this chapter.

(16) "Existing construction" means any structure for which is the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(18) "Existing structures" see "existing construction."

(19) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(20) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(21) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(22) "Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding waters surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(23) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(24) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(25) "Flood insurance study" is the official report provided by FEMA evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(26) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(27) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

(28) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce an extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(29) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

(30) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(31) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(32) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

(33) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(34) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(35) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage on related manufacturing facilities.

(36) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(37) "Historic structure" means any structure that is:

(a) Listed individually in the National Registrar of Historic Places (a listing maintained by the U.S. Department of Labor of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by a Secretary of the Interior as contributing to the historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Mosheim, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(38) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(39) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(40) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure not built so as to render the structure in violation of the applicable non-elevation design requirement of this chapter.

(41) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to required utilities. The term "manufactured home" does not include a "recreational vehicle."

(42) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(43) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for community issued by FEMA.

(44) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(45) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(46) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management chapter and includes any subsequent improvements to such structure.

(47) "New manufactured home park or subdivision" means a manufactured home park or subdivision which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(48) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(49) "100-year flood." See "base flood."

(50) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(51) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(52) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(53) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. This area may be designed as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usual) refined into Zones A, AO, AH, A1-30, AE, or A99.

(54) "Special hazard area" means an area having special flood, mudslide (i.e. mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(55) "Start of construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and include the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwellings units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structure part of a building, whether or not that alteration affects the external dimensions of the building.

(56) "State coordinating agency" the Tennessee Department of Economic and Community Development designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(57) "Structure," for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(58) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(59) "Substantial improvement"

(a) Means any reconstruction, rehabilitation, addition, alteration, or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(i) The appraised value of the structure prior to the start of the initial improvement; or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(60) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

(61) "Variance" is a grant of relief from the requirements of this chapter.

(62) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter presumed to be in violation until such time as that documentation is provided.

(63) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1983, or other datum, where specified of floods or various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #253, Dec. 2013)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Mosheim, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Mosheim, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Pay (FIRM), Community Panel Numbers 47059C0180D, 47059C0181D, 47059C0182D, 47059C0184D, 47059C0205D, 47059C0210D, 47059C0215D, 47059C0220D, dated July 3, 2006, along with all supporting technical data, are adopted by references and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure, or use shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Mosheim, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection, with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involving in the case. Each day such violation continues shall be considered a separate

offense. Nothing herein contained shall prevent the Town of Mosheim, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #253, Dec. 2013)

14-304. Administration. (1) Designation of ordinance administrator. The Mayor or his or her designee is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to, the following: plans to duplicate drew to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter;

(ii) Elevation in relation to mean sea level to which any nonresidential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter;

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in § 14-305(1) and (2); and

(iv) Descriptions of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. (i) Within AE Zone, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by, or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

(ii) Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential

building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

(iii) For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing upon the completion of the lowest floor or floodproofing.

(iv) Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding;

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process;

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained;

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improve buildings, in accordance with subsection (2) above;

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with subsection (2) above;

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with subsection (2) above;

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a state, federal, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Mosheim, Tennessee FIRM meet the requirements of this chapter; and

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #253, Dec. 2013)

14-305. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

(j) Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of subsection (2) below;

(m) When proposed new construction and substantial improvements are partially located area of special flood hazard, the entire structure shall meet the standards for new construction; and

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in subsection (1) above, are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Nonresidential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvements of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section; "Enclosures."

In approximate A Zones, where base flood elevation have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade.

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage, or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of subsection (2) above.

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home which has incurred "substantial damage" as the result of a flood must meet the standards of subsections (1) and (2) above.

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivisions and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivisions and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see subsection (5) below).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-303(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements, or other

development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the Town of Mosheim, Tennessee and certification thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE) the following provisions apply.

(a) No encroachments including fill material, new construction, and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above.

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-303(2), where streams exist but no base flood data has been provided, and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of subsections (1) and (2) above.

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home

parcs and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of subsection (2) above.

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Mosheim, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principals.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above. Within approximate A Zones, require that those paragraphs of subsection (2) above dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in subsections (1) and (2) above, apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet

(3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided with standards of subsection (2) above.

(b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-304(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-303(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-304 and 14-305 shall apply.

(8) Standards for unmapped streams. Located with the Town of Mosheim, Tennessee is unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development, including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (Ord. #253, Dec. 2013)

14-306. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is

hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals; how taken. An appeal to the board of floodplain review may be taken by any person, firm, or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit/decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Mosheim, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon

a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation the requirements of this chapter to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents of flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinance and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the board of floodplain review may attach such conditions to the granting of variances, as to deem necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in subsection (1) above.

(b) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #253, Dec. 2013)

14-307. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing future ordinance of the Town of Mosheim, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court or competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional. (Ord. #253, Dec. 2013)

CHAPTER 4

MOBILE HOME PARKS

SECTION

- 14-401. Purpose.
- 14-402. Definitions.
- 14-403. General plan requirements.
- 14-404. Development standards.
- 14-405. Permits.
- 14-406. Inspection of mobile home parks.
- 14-407. Enforcement.
- 14-408. Responsibilities of the management.
- 14-409. Mobile homes.

14-401. Purpose. It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of Mosheim, Tennessee unless a valid permit is issued by the building inspector in the name of such person for the specific construction, alteration, or extension proposed.

14-402. Definitions. (1) "Accessory structure." Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, storage, cabinets, and similar appurtenant structures.

(2) "Buffer strip" shall mean a plant material or other material as may be approved by the Mosheim Planning Commission which will provide a screen not less, than six feet (6') in height.

(3) "Building inspector" shall mean the building inspector of Mosheim, Tennessee or his authorized representative.

(4) "Electrical inspector" shall mean the electrical inspector of Mosheim, Tennessee or his authorized representative.

(5) "Health officer" shall mean the health officer of Mosheim Tennessee or his authorized representative.

(6) "Lot area." The total area reserved for exclusive use of the occupants of a mobile home.

(7) "Lot line." A line bounding the lot as shown on the accepted plat plan.

(8) "Mobile home." A detached single-family unit with all of the following:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliance and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(9) "Mobile home park" shall mean any plot of ground containing a minimum of two (2) acres upon which two (2) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

(10) "Permanent buildings." A building, except a mobile home, or accessory structure.

(11) "Permit." A written document issued by the enforcing agent permitting the construction, alteration, or expansion of a mobile home park.

(12) "Plumbing inspector" shall mean the plumbing inspector of Mosheim, Tennessee or his authorized representative.

(13) "Private drive." A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.

(14) "Public street." A public way which affords the principal means for access to abutting properties.

(15) "Shall." Indicates that which is required.

14-403. General plan requirements. The owner or lessee of the property proposed for a mobile home park shall submit a plan for development to the Mosheim Planning Commission for approval. All applications shall contain the following:

- (1) Name and address of applicant.
- (2) Location and dimensions of proposed park.
- (3) The park plan drawn to scale showing the following.
 - (a) The number, location, and size of all mobile home lots.
 - (b) The location and widths of roadways and walkways.
 - (c) The location of water and sewer lines.
 - (d) The location and dimensions of any proposed service buildings.
 - (e) The location of all equipment and facilities for refuse disposal and other park improvements.
 - (f) A plan for drainage of the park.
 - (g) The location and details of lighting and electrical systems.
 - (h) A certificate of accuracy signed by the surveyor or engineer, that the engineering work is correct.
 - (i) Certificates and signatures of the health officer and building, housing, and electrical, plumbing, and fire inspectors.
 - (j) A certificate for planning commission approval.
 - (k) Any other information deemed pertinent by the planning commission.

(4) When, upon review of the application, the planning commission is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued.

14-404. Development standards. (1) General. (a) Location. A mobile home park shall be located only within a district designated for the use by the planning commission.

(b) Physiography. Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences, and no portion subject to predictable sudden flooding or erosion, and shall not be used for any purpose which would expose persons or property to hazards.

(2) Objective. (a) Site planning improvements. Site planning improvements shall provide for facilities and amenities appropriate to the needs of the occupants.

(b) Conditions. Safe, comfortable, and sanitary use by the occupants under all weather conditions.

(3) Recreation area. Not less than ten percent (10%) of the gross site area shall be devoted to recreational facilities, generally provided in a central location.

(4) Buffer strips. The planning commission may require buffer strips along the side, rear, and front lot lines of the park.

(5) Density. The mobile home park shall contain not more than eight (8) individual mobile home spaces per gross acre, provided however, all other standards are met.

(6) Driveways. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways, or other means.

(7) Entrance drives. Entrance to mobile home parks shall have direct connections to a public street and shall be designed to allow movement of traffic. No parking shall be permitted on the entrance street for a distance of fifty feet (50') from its point of beginning. The location and design of entrance streets shall be approved by the planning commission.

(8) Pavement widths. Twenty-eight foot (28') width, or

(a) Entrance drives. Twenty-four foot (24') width where two (2) off-street parking spaces are provided for each lot.

(b) Collector drives. Twenty-four foot (24') width.

(c) Minor drives. Twenty feet (20').

(d) Loop or cul-de-sac serving fifteen (15) lots or less twenty feet (20').

(9) Improvements. All streets shall have at least a double bituminous surface, well drained under normal weather conditions.

(10) Walks. Where walkways are planned or required by the planning commission, they shall be safe, convenient, and provide an adequate access for pedestrian traffic.

(a) Common walkways. Shall have a minimum width of three feet (3').

(b) Individual walkways. Minimum width of two feet (2').

(11) Service buildings. Shall be of permanent construction, adequately ventilated and lighted and built in conformity to all town codes and ordinances. All service buildings shall be maintained in a clean and sanitary condition.

(12) Water and sanitary sewers. Connections shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the plumbing inspector.

(13) Landscaping. Any part of the park area not used for building or other structure, parking, or access ways shall be landscaped with grass, trees, and shrubs.

(14) Lighting. The park shall be adequately lighted.

(15) Required setbacks. Each mobile home shall be set back a minimum of thirty feet (30') from any public street and a minimum of fifteen feet (15') from all property lines.

(16) Parking. Each mobile home park shall provide at least two (2) off-street parking space for each mobile home unit plus an additional space for every four (4) mobile home units, for guest parking and two (2) car tenants, and for delivery and service vehicles. The parking spaces shall be located for convenient access to the mobile home units. Insofar as practicable, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays.

14-405. Permits. (1) Valid permit. It shall be unlawful for any person to operate a mobile home park within the limits of Mosheim, Tennessee, unless he holds a valid permit issued annually by the building inspector. All applications for a permit shall be made to the building inspector, who shall issue a permit upon compliance by the applicant with provisions of this chapter.

(2) Property transfer. Every person holding a permit shall give notice in writing to the building inspector within seventy-two (72) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the persons succeeding to the ownership or control of such mobile home park.

(3) Original permit. Application for an original permit shall be in writing and have the approval of the planning commission, and a permit fee of twenty-five dollars (\$25.00). The application shall contain:

- (a) Name of applicant;
- (b) Address of applicant;
- (c) Name of mobile home park; and
- (d) Location of mobile home park.

(4) Renewal of permits. Applications for renewal of permits shall be made in writing by the permit holders, and shall be accompanied by the permit fee of twenty-five dollars (\$25.00).

14-406. Inspection of mobile home parks. The building inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. However, an inspection is required prior to the issuance of a renewal permit.

14-407. Enforcement. (1) Enforcement officer. These regulations shall be enforced by the building inspector.

(2) Violations. Any person or persons who shall willfully neglect or refuse to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (50.00) for each offense. Each day of violation shall constitute a separate offense.

14-408. Responsibilities of the management. (1) Supervision. The person to whom a mobile home park permit is issued shall provide adequate supervision to maintain the park in compliance with this chapter and to keep its facilities and equipment in good repair and in a clean and sanitary condition.

(2) Notification of duties and responsibilities. The management shall notify the park residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(3) Placement of mobile home. The management shall supervise the placement of each mobile home on its mobile home lot which includes securing its stability and installing all utility connections.

(4) Register. The management shall maintain a register containing the names of all park residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.

(5) Rental period. No space shall be rented for residential use of a mobile home in any such park except for a period of thirty (30) days or more.

14-409. Mobile homes. (1) Definitions. (a) "Lot area." The total area reserved for exclusive use of the occupants of a mobile home.

(b) "Mobile home." A detached single-family unit with all of the following characteristics:

(i) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(ii) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and

(iii) Arriving at the site where it is to be occupied as a dwelling complete, including major appliance and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, a connection to utilities, and the like.

(c) "Mobile home park" shall mean any plot of ground upon which two (2) or more mobile homes are located, or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

(d) "Public street." A public way which affords the principal means of access to abutting properties.

(2) Mobile homes on single lots. A mobile home may be located on single lots that abut a public street provided:

(a) It meets the building and sanitation codes of the Town of Mosheim and their location is approved by the Greene County Health Department;

(b) The mobile home is properly connected to all utilities and has a sewage disposal system approved by the Greene County Health Department; and

(c) The mobile home resident provides underpinning to appropriately secure the home and screen from public view the storage areas and equipment beneath the home.

(3) Conformance to town codes. All mobile homes shall be subject to inspection by the building inspector or any other designated town official. Each mobile home must conform to town building codes including plumbing, electric wiring, and sanitation.

Two (2) permits are required for the location and occupancy of a mobile home on individual lots within Mosheim. The first permit must be obtained prior to the location of the mobile home on the individual lot. The second permit must be obtained prior to occupancy of the mobile home and after it has been inspected for conformity to this chapter. Mobile home permits may be obtained at the Mosheim Town Hall. Permits are not required for mobile homes locating in approved mobile home parks. (Ord. #12, March 1975)

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. School safety patrols.
- 15-111. 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 where death or injury occurs, as prohibited by *Tennessee Code Annotated*, § 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-50-504; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-112. Clinging to vehicles in motion.
- 15-113. Riding on outside of vehicles.
- 15-114. Backing vehicles.
- 15-115. Projections from the rear of vehicles.
- 15-116. Causing unnecessary noise.
- 15-117. Vehicles and operators to be licensed.
- 15-118. Passing.
- 15-119. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-120. Delivery of vehicle to unlicensed driver, etc.
- 15-121. Compliance with financial responsibility law required.
- 15-122. Adoption of state traffic statutes.

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.

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.

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.

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 town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

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.

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.

15-107. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town 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 town.

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

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.*

official traffic control sign, signal, marking, or device or any railroad sign or signal.

15-110. 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.

15-111. 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.

15-112. 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.

15-113. 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.

15-114. 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.

15-115. 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.

15-116. 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.

15-117. 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."

15-118. 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.

15-119. 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 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 (1) 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, face shield, 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.

15-120. Delivery of vehicle to unlicensed driver, etc.

(1) (a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral, and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Driver's license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operator's or chauffeur's license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues,

parkways, alleys, or public thoroughfares in the Town of Mosheim unless such person has a valid motor vehicle operator's or chauffeur's license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues, or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town.

15-121. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(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.

15-122. Adoption of state traffic statutes. By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the town 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 town 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.

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police.

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limit so long as life or property is not thereby endangered; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

15-203. Following emergency vehicles. No driver of any vehicle other than one on official business shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

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.

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

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.

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.

15-303. In school zones. Pursuant to *Tennessee Code Annotated*, § 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school (***give time amount if special school district***), while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. Every driver who intends to turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in *Tennessee Code Annotated*, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement.

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.

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 such centerline where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) 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.

15-405. U-turns. U-turns are prohibited.

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 a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

15-502. 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.

15-503. At railroad crossings. (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad, and shall not proceed until that driver can do so safely. The foregoing requirements shall apply when:

- (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (b) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;
- (c) A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; and

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

15-505. At "yield" signs. (1) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway or other roadway, or which are approaching so closely on the highway or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(2) Where there is provided more than one (1) lane for vehicular traffic entering a through highway or other public roadway, if one (1) or more lanes at such entrance are designated a yield lane by an appropriate marker, this section shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings, or controls.

15-506. At traffic control signals generally. Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows.

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone, or "Caution," when shown following the green or "Go" signal:

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing the signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turn On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(c) A left turn on a red or stop signal shall be permitted at all intersections within the town where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except that clearly marked by a "No Turn on Red" sign, which may be erected by the town at intersections which the town decides requires no left turns on red in the interest of traffic safety.

(d) The driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to § 15-506, "At traffic control signals generally," that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when such signal did not utilize a vehicle detection

device or that any such device was not in fact inoperative due to the size of the motorcycle.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

15-507. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, and the light is clearly visible for a sufficient distance ahead to permit such stopping, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code.

15-508. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

(1) Walk. Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

15-509. Stops to be signaled. Every driver operating a motor vehicle who intends to stop such vehicle, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give the signal required in *Tennessee Code Annotated*, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one (1) 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 (1) 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.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one (1) way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen 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.

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24').

15-603. Occupancy of more than one (1) 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.

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) 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 such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is:
 - (a) Physically handicapped; or
 - (b) Parking such vehicle for the benefit of a physically handicapped person.

A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under *Tennessee Code Annotated*, title 55, chapter 21.

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone.

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the town, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the board of mayor and aldermen, parking shall be regulated by parking meters where the same have been installed by the town. The presumption shall be that all installed parking meters were lawfully installed by the town.

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.

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.

15-609. Unlawful to occupy more than one (1) 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 (1) space may be permitted to occupy two (2) adjoining spaces provided proper coins are placed in both meters.

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.

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.

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.

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. 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, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

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.

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

¹Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.

State law reference

Tennessee Code Annotated, §§ 7-63-101, *et seq.*

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been affixed to the vehicle and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in *Tennessee Code Annotated*, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of *Tennessee Code Annotated*, §§ 55-16-103 to 55-16-109.

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).

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

(b) Pursuant to and in accordance with state statutory requirements found in *Tennessee Code Annotated*, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction.

(c) Sunset provision. This section and its fee requirement shall terminate five (5) years from the date of adoption of this section and the town's code shall be so annotated. (Ord. #277, Dec. 2018)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. RIGHT-OF-WAY STANDARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Temporary roadblock.
- 16-114. Violations and penalty.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8').

¹Municipal code reference

Motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

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

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law.

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes.

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.

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.

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder.

¹Municipal code reference

Building code: title 12, chapter 1.

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

16-113. Temporary roadblock. (1) The mayor may grant the use of a portion or portions, or one (1) street or multiple streets for a limited period of time not to exceed one (1) day for a noncommercial purpose of establishment of a roadblock by not-for-profit organizations for the purpose of soliciting voluntary contributions from motorists, when the granting of such use will not impair the town's safety or welfare.

(2) Before the mayor may issue any permit hereunder, the person or organization seeking such permit shall file an application at least fifteen (15) days prior to the date that the roadblock is to occur, setting forth the following:

(a) The name, address, and telephone number of the person filing the application;

(b) The name, address, and telephone number of the headquarters of the organization, and of the persons who manage such organization and will oversee the use requested;

(c) The exact use for which the permit is requested;

(d) The exact location requested for such use;

(e) The exact dates, and if applicable, the hours, for which the use is requested;

(f) The number of persons expected;

(g) If applicable, the number and types of vehicles expected;

(h) The person or organization's agreement to indemnify the town against any and all loss or damages or claims for damages arising from or out of such use;

(i) Assurance that all participants will be age twelve (12) or older, and all will be wearing reflective traffic safety vests; and

(j) Assurance that in the event of any incident or accident that the person executing the application shall immediately notify the appropriate law enforcement authorities, and as soon as it is available, file a copy of the police incident/accident report with the Mosheim Town Recorder.

(3) The mayor may not issue permits to more than one (1) organization, for any given date.

(4) Any person or organization aggrieved by any determination of the mayor made under any provision of this section may appeal such determination

to the board of mayor and aldermen by setting forth the details of such grievance in a letter to it, with a copy to the mayor. At the next regularly scheduled meeting of the board of mayor and aldermen, after the filing of such letter, such person or organization shall personally appear before the board to show why he is aggrieved and why and how such determination should be modified or reversed. The board of mayor and aldermen shall then make a final determination of the matter in controversy and shall sustain, modify, or reverse the determination made by the mayor. (Ord. 181, Sept. 2004)

16-114. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EXCAVATIONS

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Violations and penalty.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and the permit shall be retroactive to the date when the work was begun.

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing.

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00).

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The

deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may, after consultation with public works or an engineer, increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit, the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as

against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for each person, and not less than seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for each accident.

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder.

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

16-210. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 3

RIGHT-OF-WAY STANDARDS

SECTION

- 16-301. Grading.
- 16-302. Storm drainage.
- 16-303. Roadway improvements.
- 16-304. Right-of-way.
- 16-305. Minimum pavement width.
- 16-306. Construction permit required.
- 16-307. Planning commission approval required.
- 16-308. Violations and penalty.

16-301. Grading. All streets, roads, and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the subdivider or developer. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the planning commission.

(1) **Preparation.** Before grading is started the entire right-of-way area shall be cleared of all trees, stumps, roots, brush, and other objectionable materials.

(2) **Cuts.** All tree stumps, boulders, and other obstructions shall be removed to a depth of two feet (2') below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve inches (12") below subgrade.

(3) **Fill.** All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six inches (6") loose and compacted by a sheep's foot roller. Unless another method of preparation of the subgrade is approved by the planning commission, the subgrade shall be constructed as specified in section 23, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, and where water is used to assist compaction, the water content shall not exceed the optimum of moisture. (Ord. #13, June 1975)

16-302. Storm drainage. An adequate drainage system, including storm sewers, necessary open ditches, pipes, culverts, intersectional drains, open inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway, and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen inches (18"). Cross drains

shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the road bed. (Ord. #13, June 1975)

16-303. Roadway improvements. (1) Base. A compacted base course six inches (6") deep and three feet (3') wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turn-arounds and access streets to adjoining properties, according to the method specified in section 33, *Standard Specifications for Roads and Bridge Construction*, (Tennessee Department of Highways and Public Works - January 1, 1968) and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the centerline of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street.

(2) Curbs. Except for rural streets, as defined in this chapter, curbs of no lower classification than machine formed concrete extruded curb, nine inches (9") wide at the base and seven and one-half inches (7-1/2") shall be installed. The curb shall be installed after the prime coat is applied to the base. Backfill shall be towards the curb to ensure drainage of surface water into the drainage system. In lieu of curbs and gutters as the drainage system on cul-de-sacs and loop streets, the planning commission may accept one (1) of two (2) alternatives:

(a) Swales may be used on streets where the finished grade does not exceed two percent (2%);

(b) Streets with an inverted crown may be used provided that the drainage area of the street does not exceed five (5) acres developed.

One-half inch (1/2") to three-fourths inch (3/4") expansion and contraction joints for the curbs and gutters shall be placed at intervals not exceeding forty feet (40').

(3) Prime coat. After a thoroughly compacted base has been established, a prime coat shall be applied as specified in section 49, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto.

(4) Wearing surface. The wearing surface shall consist of a surface course constructed with asphalt concrete, prepared with mineral aggregate, laid hot as specified under section 103, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works - January 1, 1968 and latest revision thereto. It shall be constructed in one (1) layer not less than two inches (2") thick. (Ord. #13, June 1975)

16-304. Right-of-way. The minimum width of right-of-way, measured from lot line to lot line, shall not be less than as follows:

(1) Arterial streets and highways: eighty to one hundred fifty feet (80' - 150'), as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the major thoroughfare plan.

(2) Collector streets: sixty feet (60'). Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.

(3) Minor residential streets: fifty feet (50'). Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

(4) Marginal access streets: forty feet (40'). Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

(5) Dead-end streets (cul-de-sac): forty feet (40'). Cul-de-sacs are permanent dead-end streets or courts not to exceed six hundred feet (600') or fifteen (15) dwelling units, designed so that they cannot be extended in the future.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements.

(6) Loop streets: forty feet (40'). Loop streets are streets open at both ends and connected to only one residential street with a maximum length one thousand two hundred feet (1,200') or twenty-five (25) dwelling units.

(7) Rural streets: fifty feet (50'). Rural streets are those where development density is not more than one dwelling unit per acre and where minimum street frontage is one hundred fifty feet (150') per lot.

(8) Alleys: twenty feet (20'). Alleys are minor public ways used primarily for service access to the back side of properties otherwise abutting on a street. (Ord. #13, June 1975)

16-305. Minimum pavement width. Due to the diversity of development in the Mosheim planning area ranging from sparsely populated agricultural areas, to the densely populated urban areas, required widths for the surface treatment of roadways (by the developer) will necessarily vary with the character of building development and the amount of traffic encountered. Minimum widths for surface treatment of roads and streets shall be those indicated below.

(1) Arterial streets: (not-paved by developer).

(2) Collector streets: thirty-two feet (32'), (not usually paved by the developer).

(3) Minor residential streets: twenty-eight feet (28'). Most minor streets in residential developments involve parking and/or considerable traffic.

(4) Marginal access: twenty feet (20'). Maximum length of one thousand two hundred feet (1,200') or twenty-five (25) dwelling units.

(5) Loop streets: twenty feet (20'). Maximum length twelve hundred feet (1200') or twenty-five (25) dwelling units.

(6) Dead-end streets (cul-de-sac): twenty feet (20'). Maximum length six hundred feet (600') or fifteen (15) dwelling units.

(7) Rural streets: twenty and twenty-four feet (20' and 24'). Without curbs - minimum of one (1) acre lots and one hundred fifty feet (150') frontage. Pavement widths of twenty feet (20') may be accepted on loop and dead-end (cul-de-sac) rural streets meeting the above standard of maximum length and number of dwelling units. (Ord. #13, June 1975)

16-306. Construction permit required. No private citizen or board or officer thereof or any other public official shall accept, layout, open, improve, grade, pave, or light any road or lay or authorize water mains or sewers or connection of other facilities or utilities on any road within the Town of Mosheim until and unless a construction permit for the said road has been issued by the town recorder. (Ord. #13, June 1975)

16-307. Planning commission approval required. Prior to final acceptance of a proposed street as a public street, the Mosheim Planning Commission shall study a plat of the proposed street and make its approval known to the board of mayor and aldermen who shall have the final decision upon the acceptance of a street. (Ord. #13, June 1975)

16-308. Violations and penalty. Be it further ordained that any person, firm, or corporation violating the provisions of this chapter, 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 the violation shall constitute a separate offense. (Ord. #13, June 1975)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse collection fees.
- 17-110. Violations and penalty.

17-101. Refuse defined. "Refuse" shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith.

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter.

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent- and insect-proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this

¹Municipal code references

Littering: title 11, chapter 7.

Property maintenance regulations: title 13.

maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall not exceed thirty-five (35) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4') and shall be securely tied in individual bundles weighing not more than thirty-five (35) pounds each and being not more than two feet (2') thick before being deposited for collection.

17-104. Location of containers. Where alleys are used by the town refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied, they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection.

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the Greene County Solid Waste. Collections shall be made regularly in accordance with an announced schedule.

17-107. 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.

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited.

17-109. Refuse collection fees. Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and aldermen by resolution.¹

17-110. 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.

¹Administrative resolutions are of record in the office of the recorder.

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. GENERAL WASTEWATER REGULATIONS.
3. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1**WATER AND SEWER SYSTEM ADMINISTRATION****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Application and contract for service.
- 18-104. Service charges for temporary service.
- 18-105. Connection charges.
- 18-106. Water and sewer main extensions.
- 18-107. Water and sewer main extension variances.
- 18-108. Meters.
- 18-109. Meter tests.
- 18-110. Multiple services through a single meter.
- 18-111. Customer billing and payment policy.
- 18-112. Termination or refusal of service.
- 18-113. Termination of service by customer.
- 18-114. Access to customers' premises.
- 18-115. Inspections.
- 18-116. Customer's responsibility for system's property.
- 18-117. Customer's responsibility for violations.
- 18-118. Unauthorized use of or interference with water supply.
- 18-119. Limited use of unmetered private fire line.
- 18-120. Damages to property due to water pressure.
- 18-121. Liability for cutoff failures.
- 18-122. Restricted use of water.

¹Municipal code references

Building, utility, and residential codes: title 12.

Refuse disposal: title 17.

18-123. Interruption of service.

18-124. Schedule of rates.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit, or other multiple dwelling unit shall be considered a separate dwelling.

(3) "Premises" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling.

(4) "Service line" shall consist of the pipe line extending from any water or sewer main of the town to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's water main, to and including the meter and meter box.

18-103. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a nonrefundable customer processing fee of as stated in the schedule of water and sewer rates determined by a vote of the board of mayor and aldermen before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the town to the applicant shall be limited to the return of any service deposit made by such applicant.

18-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service.

18-105. Connection charges. (1) Before a new water or sewer connection is made to the town's water or sewer mains to obtain water or sewer

service, the applicant shall pay a nonrefundable water tap fee for water service and/or a nonrefundable sewer tap fee for sewer service, except as set forth in subsection (2). The amounts of these fees will be what the board has made effective at the time of service.

(2) Any applicant for residential sewer service who prepaid a tap fee for sewer service before July 1, 2018, may connect to the town's sewer system without paying the tap fee in effect at the time of the application as long as the application for sewer service and proper documentation of payment is submitted to the town by June 30, 2019. After July 1, 2019, all applicants for residential sewer service must pay the town's nonrefundable tap fee for sewer service in effect at the time of the application for sewer service is made.

(3) Water service lines will be laid by the town from its main to the appropriate water meter location at the expense of the applicant for service. The location of the town's water service line and the water meter will be determined by the town. When the town's water service line is completed, the town will own and will be responsible for the repair and maintenance the water service line from the main to, and including, the meter and meter box. The customer will own the water service line past the water meter and will be responsible for the repair and maintenance the its water service line past the meter.

(4) Sewer service lines will be laid by the town from its main to the customer's property line at the expense of the applicant for service. The location of the town's sewer service line will be determined by the town. When the town's sewer service line is completed, the town will own and will be responsible for the repair and maintenance the sewer service line from the main to the customer's property line. The customer will own the sewer service line past the customer's property line and will be responsible for the repair and maintenance its sewer service line past the customer's property line. (modified)

18-106. Water and sewer main extensions.¹ Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by town forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall

¹Municipal code reference

Construction of building sewers: title 18, chapter 2.

incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.

18-107. Water and sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons.

18-108. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

18-109. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The town will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town.

18-110. Multiple services through a single meter. No customer shall supply water service to more than one (1) dwelling, premises, duplex unit, apartment, or other multiple dwelling unit from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one (1) dwelling, premises, duplex unit, apartment, or other multiple dwelling unit to be served through a single service line and meter, the amount of water used by all the dwellings, premises, duplex units, apartments, or other multiple dwelling units served through a single service line and meter shall be allocated to each separate dwelling, premises, duplex unit, apartment, or other multiple dwelling unit served. The water charge of each such dwelling, premises, duplex unit, apartment, or other multiple dwelling unit thus served shall be computed just as if each such dwelling, premises, duplex unit, apartment, or other multiple dwelling unit had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling, premises, duplex unit, apartment, or other multiple dwelling unit served through a single service line meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

18-111. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than fifteen (15) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed ten percent (10%) for any portion of the bill paid after the net payment period.

Payment must be received in the water and sewer department no later than close of business on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than close of business.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town

reserves the right to render an estimated bill based on the best information available. (modified)

18-112. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills;
- (b) The customer's application for service; or
- (c) The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and conditions:

- (a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off, and
 - (i) The amount due, including other charges;
 - (ii) The last date to avoid service termination; and
 - (iii) Notification of the customer's right to a hearing prior to service termination and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If the customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the water and sewer department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination

in a manner satisfactory to the water and sewer department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge as stated in the schedule of water and sewer rates as determined by a vote of the board of mayor and aldermen, during regular business hours. (modified)

18-113. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract.

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

18-114. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

18-115. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to

refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

18-116. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

18-117. Customer's responsibility for violations. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

18-118. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town.

18-119. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence.

18-120. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains.

18-121. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not

used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off.

18-122. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

18-123. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

18-124. Schedule of rates.¹ All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance.²

¹Administrative ordinances are of record in the office of the recorder

²State law reference

Tennessee Code Annotated, § 7-35-414(b).

CHAPTER 2**GENERAL WASTEWATER REGULATIONS****SECTION**

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18-201. Purpose and policy. This chapter sets forth uniform requirements for users of the publicly owned treatment works for the Town of Mosheim - Lick Creek Valley Sanitary Sewer System and enables the Town of Mosheim to comply with all applicable state and federal laws, including the state pretreatment requirements (Tennessee Rule 0400-4-14), the Clean Water Act (33 *United States Code* (U.S.C.) §§ 1251, *et seq.*) and the General Pretreatment Regulations (title 40 of the *Code of Federal Regulations* (CFR) part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;

(3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and

(4) To enable the Town of Mosheim to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This chapter shall apply to all users of the publicly owned treatment works. The chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user repotting and establishes other procedures related to the connection and use of the sewer system. (Ord. #221, April 2010)

18-202. Administration. Except as otherwise provided herein, the mayor shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the mayor may be delegated by the mayor to a duly authorized Town of Mosheim employee. (Ord. #221, April 2010)

18-203. Abbreviations. The following abbreviations, when used in this chapter shall have the designated meanings.

- (1) BOD - Biochemical Oxygen Demand
- (2) BMP - Best Management Practice
- (3) BMR - Baseline Monitoring Report
- (4) CFR - Code of Federal Regulations
- (5) CIU - Categorical Industrial User
- (6) COD - Chemical Oxygen Demand
- (7) EPA - U.S. Environmental Protection Agency
- (8) gpd - gallons per day
- (9) IU - Industrial User
- (10) mg/l - milligrams per liter
- (11) NPDES - National Pollutant Discharge Elimination System
- (12) NSOT - Non-Significant Categorical Industrial User
- (13) POTW - Publicly Owned Treatment Works
- (14) RCRA - Resource Conservation and Recovery Act
- (15) SIU - Significant Industrial User
- (16) SNC - Significant Noncompliance

- (17) TSS - Total Suspended Solids
- (18) U.S.C - United States Code (Ord. #221, April 2010)

18-204. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

(2) "Approval authority." The Tennessee Division of Water Pollution Control Director his representative(s).

(3) "Authorized or duly authorized representative of the user."

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one 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 facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in subsections (a) through (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 Town of Mosheim.

(4) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen biochemical oxidation of organic matter under standard laboratory procedures

for five (5) days at 20 degrees (20°) Centigrade, usually expressed as a concentration (e.g., mg/l).

(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 § 18-205(1) and (2) [Tennessee Rule 0400-4-14-.05(l)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Categorical pretreatment standard" or "categorical standard". Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(7) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

(8) "City" The Town of Mosheim, Tennessee or the town board of mayor and aldermen.

(9) "Chemical oxygen demand" or "COD." A measure of oxygen required to oxidize all compounds, both organic and inorganic, in water.

(10) "Control authority." The Town of Mosheim.

(11) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(12) "Daily maximum limit" The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(13) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator or other duly authorized official of said agency.

(14) "Existing source." Any source of discharge that is not a "new source."

(15) "Grab sample." A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(16) "Indirect discharge" or "discharge." The introduction of pollutants into the POTW from any nondomestic source.

(17) "Instantaneous limit." The maximum concentration of a pollutant 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.

(18) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; or exceeds the design capacity of the treatment works or the collection system.

(19) "Local limit." Specific discharge limits developed and enforced by the Town of Mosheim upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-4-14-.05(1)(a) and (2).

(20) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(21) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(22) "Monthly average limit." The highest allowable average of "daily discharges" over calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(23) "New source." (a) Any building structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that 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, faculty, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(ii) or (a)(iii) above, 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 clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; 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.

(24) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(25) "Pass through." A discharge which exits the POTW into waters of the United States 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 Town of Mosheim NPDES permit, including an increase in the magnitude or duration of a violation.

(26) "Person." Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

(27) "pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

(28) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(29) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the

concentration of the pollutants unless allowed by an applicable pretreatment standard.

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(31) "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(32) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-205.

(33) "Publicly Owned Treatment Works" or "POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. § 1292), which is owned by the Town of Mosheim. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(34) "Septic tank waste." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(35) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.).

(36) "Significant Industrial User (SIU)." Except as provided in subsections (c) and (d) of this section, a significant industrial user is:

(a) An industrial user subject to categorical pretreatment standards.

(b) An industrial user that:

(i) Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(ii) 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

(iii) Is designated as such by the Town of Mosheim on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(c) The Town of Mosheim may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless

specifically including in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to the Town of Mosheim finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement required in section 6:14B (see Tennessee Rule 0400-4-14.12(17)), together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(d) Upon a finding that a user meeting the certain criteria in subsection (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; the Town of Mosheim may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 0400-4-14.08(6)(f), determine that such user should not be considered a significant industrial user.

(37) "Slug load" or "slug-discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-205. A slug discharge is 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 POTW's regulations, local-limits, or permit conditions.

(38) "Stormwater." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(39) "The mayor." The person designated by the Town of Mosheim to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter. The term also means a duly authorized representative of the mayor.

(40) "Total suspended solids" or "suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(41) "User" or "industrial user." A source of indirect discharge.

(42) "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(43) "Wastewater treatment plant" or "treatment plant." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. #221, April 2010)

18-205. Prohibited discharge standards. (1) General prohibitions.

No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(2) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit (sixty degrees (60°) Celsius) using the test methods specified 40 CFR 261.21;

(b) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW, including collection system, restating in interference;

(d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(e) Wastewater having a temperature greater than one hundred four degrees (104°) Fahrenheit; (forty degrees (40°) Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104°) degrees Fahrenheit; (forty degrees (40°) Celsius);

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil original in amounts that will cause interference or pass through;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(h) Trucked or hauled pollutants, except at discharge points designated by the mayor in accordance with § 14-214;

(i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts color to the

treatment plant's effluent, thereby violating the Town of Mosheim's NPDES permit;

(k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(l) Storm water, surface water, ground water, roof runoff, and subsurface drainage, unless specifically authorized by the mayor;

(m) Sludges, screenings, or other residues from the pretreatment of industrial wastes, unless specifically authorized by the mayor;

(n) Medical wastes, except as specifically authorized by the mayor in an individual wastewater discharge permit;

(o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test, NPDES permit, or sludge disposal permit;

(p) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(q) Fats, oils, or greases of animal or vegetable origin in concentrations in amounts that will cause interference or permit violations;

(r) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over twenty percent (20%) of the lower explosive limit of the meter; and/or

(s) Any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR part 261.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. #221, April 2010)

18-206. National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the mayor may impose equivalent concentration or mass limits in accordance with subsections (5) and (6) below. See 40 CFR 403.6(c).

(2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the mayor may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. See 40 CFR 403.6(c)(2).

(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the mayor shall impose an alternate limit in accordance with Tennessee Rule 0400-4-14-.06(5).

(4) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section. (Note: see 40 CFR 403.15.)

(a) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the Town of Mosheim. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of subsection (4)(b) below are met.

(b) Criteria. (i) Either:

(A) The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(B) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(ii) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(iii) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(iv) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Town of Mosheim may waive this requirement if it finds that no environmental degradation will result.

(5) The mayor may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the mayor.

When converting such limits to concentration limits, the mayor will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as

prohibited by § 18-210 (see 40 CFR 403.6(d)). In addition, the mayor will document how equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available. See 40 CFR 403.6(c)(7).

If the mayor chooses to establish equivalent mass limits:

(a) Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(b) Upon notification of revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph (4) of this rule. The industrial user must also be in compliance with § 14-215.

(6) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived. See 40 CFR 403.6(c)(7).

(7) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. See 40 CFR 403.6(c)(8).

(8) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the mayor within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the mayor of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. See 40 CFR 403.6(c)(9). (Ord. #221, April 2010)

18-207. State pretreatment standards. Users must comply with the State of Tennessee's pretreatment standards (0400-4-14). (Ord. #221, April 2010)

18-208. Local limits. (1) The mayor is authorized to establish local limits pursuant to Tennessee Rule 0400-4-14-.05(3).

(2) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following monthly average parameter and daily maximum parameter. Any wastewater containing in excess of the "surcharge limit" but less than the monthly and daily limits are not in violation but will be charged a "surcharge fee" by the Town of Mosheim as part of their user rates.

Limitations on wastewater pollutant concentrations (all values in mg/l unless specified).

<i>Parameter</i>	<i>Surcharge Limit</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>MDL</i>
Aluminum		13.46 mg/l	37.52 mg/l	
Ammonia nitrogen		40 mg/l	40 mg/l	0.10
Antimony		1.0	1.5	.0010
Arsenic		0.098	0.148	.0010
Biochemical oxygen demand	250 mg/l	2,000 mg/l	2,000 mg/l	5.0
Boron		2.0	3.0	.0010
Cadmium		0.0152	0.0228	.00050
Chemical oxygen demand	400 mg/l	3,000 mg/l	3,000 mg/l	20
Chlorinated hydrocarbons		10.0	15.0	.0010
Chromium, total		0.606	0.9092	.0010
Copper		0.531	0.7962	.0010
Cyanide		0.6958	1.043	.0050
Grease and oil, total	100 mg/l	100 mg/l	100 mg/l	1.0
Lead		0.2827	0.424	.0010
Maximum pH		9.5 units	9.5 units	
Mercury		0.0015	0.0023	.00020
Minimum pH		5.5 units	5.5 units	
Nickel		1.8152	2.7198	.0010

<i>Parameter</i>	<i>Surcharge Limit</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>MDL</i>
Non-biodegradable TD solids		5,000	5,000	1.0
Phenols, total		10.0	15.0	.040
Selenium		0.179	0.262	.0010
Silver		0.0655	0.0983	.00050
Surface active agents, MBAS		40.0	60.0	0.40
Temperature-maximum (degrees C)			40	
Total suspended solids	400 mg/l	2,000 mg/l	2,000 mg/l	1.0
Zinc		1.63	2.44	.010

Production rate effluent limits are applicable per 40 CFR 467.36

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The mayor may impose mass limitations in addition to the concentration-based limitations above.

Total Toxic Organics: (TTOs) limits will be considered on an individual case basis by the mayor for those not regulated by applicable section of 40 CFR for categorical and/or non-categorical industries.

(3) The mayor may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 18-205. (Ord. #221, April 2010; as amended by Ord. #226, March 2011, modified)

18-209. Town of Mosheim's right of revision. The Town of Mosheim reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purposed of this chapter. (Ord. #221, April 2010)

18-210. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The mayor may impose mass limitations on users who are using dilution to meet

applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. #221, April 2010)

18-211. Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-205 within the time limitations specified by EPA, the state, or the mayor, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the mayor for review, and shall be acceptable to the mayor before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town of Mosheim under the provisions of this chapter. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice in the State of Tennessee. (Ord. #221, April 2010)

18-212. Additional pretreatment measures. (1) Whenever deemed necessary, the mayor may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary, to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) The mayor may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the mayor, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the mayor, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense. This shall be done as often as necessary to meet the discharge limits and other applicable provisions of this chapter. Maintenance records are to be kept by the user and available to be reviewed by the mayor upon request.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. #221, April 2010)

18-213. Accidental discharge/slug discharge control plans. The mayor shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The mayor may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the mayor may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the mayor of any accidental or slug discharge, as required by § 18-235; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment; measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. #221, April 2010)

18-214. Hauled wastewater. (1) Septic tank waste may be introduced into the POTW only at locations designated by the mayor, and at such times as are established by the mayor. Such waste shall not violate §§ 18-205 through 18-210 or any other requirements established by the Town of Mosheim. The mayor may require septic tank waste haulers to obtain individual wastewater discharge permits.

(2) The mayor may require haulers of industrial waste to obtain individual wastewater discharge permits. The mayor may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The mayor also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(3) Industrial waste haulers may discharge loads only at locations designated by the mayor. No load may be discharged without prior consent of the mayor. The mayor may collect samples of each hauled load to ensure compliance with applicable standards. The mayor may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste; and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. #221, April 2010)

18-215. By-pass. (1) Definitions. (a) By-pass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a by-pass. Severe property damage does not mean economic loss caused by delays in production.

(2) By-pass not violating applicable pretreatment standards or requirements. An industrial user may allow any by-pass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These by-passes are not subject to the provisions of subsections (3) and (4) below.

(3) Notice. (a) If an industrial user knows in advance of the need for a by-pass, it shall submit prior notice to the Town of Mosheim; if possible at least ten (10) days before the date of the by-pass.

(b) An industrial user shall submit oral notice of an unanticipated by-pass that exceeds applicable pretreatment standards to the town within twenty-four (24) hours from the time the industrial user becomes aware of the by-pass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the by-pass. The written submission shall contain a description of the by-pass and its cause; the duration of the by-pass, including exact dates and times, and, if the by-pass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the by-pass. The town may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Prohibition of by-pass. (a) By-pass is prohibited, and the town may take enforcement action against an industrial user for a by-pass, unless:

(i) By-pass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the by-pass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a by-pass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The industrial user submitted notices as required under subsection (3) above.

(b) The town may approve an anticipated by-pass, after considering its adverse effects, if the town determines that it will meet the three (3) conditions listed in subsection (4)(a) above. (Ord. #221, April 2010)

18-216. Wastewater analysis. When requested by the mayor, a user or a proposed user applying for sewer service must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The mayor is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ord. #221, April 2010)

18-217. Individual wastewater discharge permit requirement.

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the mayor, except that a significant industrial user that has filed a timely application pursuant to § 18-218 may continue to discharge for the time period specified therein.

(2) The mayor may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.

(3) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-247 through 18-254 and §§ 18-259 through 18-267. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (Ord. #221, April 2010)

18-218. Individual wastewater discharge permitting: existing connections. Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the mayor for an individual wastewater discharge permit in accordance with § 18-220, and shall not cause or allow discharges to the POTW to continue after one hundred and twenty (120) days of the effective date of this chapter except in accordance with an individual wastewater discharge permit issued by the mayor. (Ord. #221, April 2010)

18-219. Individual wastewater discharge permitting: new connections. All new nonresidential customers who desire to connect to the Lick Creek Valley Sanitary Sewer System must submit an application on form furnished by the Town of Mosheim. Based on the application information (and other applicable information), the Town of Mosheim will determine if an

individual discharge permit for discharge is required. The application is to be submitted at least sixty (60) days prior to discharge.

Any nonresidential user who is determined to be a "significant industrial user" is required to obtain an individual wastewater discharge permit who proposed to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with § 18-220, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence. Any user determined to be a "non-significant categorical industrial user" may be required to submit periodic reports but may not be issued an "individual wastewater discharge permit" per § 18-204(36). (Ord. #221, April 2010)

18-220. Permit application contents (including individual wastewater discharge permit applications). (1) All new nonresidential users must submit a permit application to the Town of Mosheim on the form provided by the town per § 18-219. All users required to obtain an individual wastewater discharge permit (new-connections and renewals) must also submit a permit application on form provided. A permit application form is available at the office of the mayor. The mayor may require users to submit all or some of the following information as part of a permit application:

- (a) Identifying information. (i) The name and address of the facility, including the name of the operator and owner.
- (ii) Contact information, description of activities/facilities, and plant production processes on the premises.
- (b) Environmental permits. A list of any environmental control permits held by or for the facility.
- (c) Description of operations. (i) 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 POTW from the regulated processes.
- (ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (iii) Number and type of employees, hours of operation, and proposed or actual hours of operation.
- (iv) Type and amount of raw materials processed (average and maximum per day).
- (v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and

appurtenances by size, location, and elevation, and all points of discharge.

(d) Time and duration of discharges.

(e) The location for monitoring all wastes covered by the permit.

(f) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams, as necessary, to allow use of the combined wastestream formula set out in § 18-206(3) (Tennessee Rule 0400-4-14-.06(5)).

(g) Measurement of pollutants. (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the mayor, of regulated pollutants in the discharge from each regulated process.

(iii) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-238. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the mayor or the applicable standards to determine compliance with the standard.

(v) Sampling must be performed in accordance with procedures set out in § 18-239.

(h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-233(2). Refer to Tennessee Rule 0400-4-14-12(5)(b).

(i) Any other information as may be deemed necessary by the mayor to evaluate the permit application.

(2) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. #221, April 2010)

18-221. Application signatories and certifications. (1) All wastewater discharge permit applications, user reports, and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 18-242(1).

(2) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the

requirements of this section must be submitted to mayor prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a non-significant categorical industrial user by the mayor pursuant to § 18-204(36) must annually submit the signed certification statement in § 18-242(2). See 40 CFR 403.3(v)(2). (Ord. #221, April 2010)

18-222. Individual wastewater discharge permit decisions. The mayor will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the mayor will determine whether to issue an individual wastewater discharge permit. The mayor may deny any application for an individual wastewater discharge permit. (Ord. #221, April 2010)

18-223. Individual wastewater discharge permit duration. An individual wastewater discharge permit shall be issued for a specified time period; not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of mayor. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. #221, April 2010)

18-224. Individual wastewater discharge permit contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the mayor to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Individual wastewater discharge permits must contain:

(a) A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Town of Mosheim in accordance with § 18-226, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits, including best management practices, based on applicable pretreatment standards;

(d) Self monitoring, sampling, reporting, notification, and record-keeping 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) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 18-233(2).

(f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(g) Requirements to control slug discharge, if determined by the mayor to be necessary.

(h) Any grant of the monitoring waiver by the mayor (§ 18-233(2)) must be included as a condition in the user's permit.

(2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(g) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility, for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(h) Other conditions as deemed appropriate by the mayor to ensure compliance with this chapter, and state, and federal laws, rules, and regulations. (Ord. #221, April 2010)

18-225. Permit modification. (1) The mayor may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the Town of Mosheim's POTW, Town of Mosheim's personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the individual wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-4-14-.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-226. (Ord. #221, April 2010)

18-226. Individual wastewater discharge permit transfer.

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the mayor and the mayor approves the individual wastewater discharge permit transfer. The notice to the mayor must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer. (Ord. #221, April 2010)

18-227. Individual wastewater discharge permit revocation. The mayor may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the mayor of significant changes to the wastewater prior to the changed discharge;

- (2) Failure to provide prior notification to the mayor of changed conditions, pursuant to § 18-234;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the mayor timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user. (Ord. #221, April 2010)

18-228. Individual wastewater discharge permit reissuance. A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application in accordance with § 18-220, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit. (Ord. #221, April 2010)

18-229. Regulation of waste received from other jurisdictions. The Town of Mosheim will issue individual discharge permits, where applicable, to all users who discharge waste that is treated by the Lick Creek Valley Wastewater Treatment Plant that the mayor determines is a "significant industrial user." Other required reporting, periodic applications, and other information required from users per this chapter are also applicable to all users who discharge waste being treated at the Lick Creek Valley Wastewater Treatment Plant. Users may be outside the corporate limits of the Town of Mosheim (extrajurisdictional dischargers). This chapter is applicable to all users of system regardless of jurisdictional location. (Ord. #221, April 2010)

18-230. Baseline monitoring reports. (1) 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 0400-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the mayor a report which contains the information listed in subsection (2) 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 mayor a report which contains the information listed in subsection (2) 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.

(2) Users described above shall submit the information set forth below.

(a) All information required in § 18-220(1)(a)(i), § 18-220(1)(b), § 18-220(1)(c)(i), and § 18-220(1)(f). See 40 CFR 403.12(b)(1)-(7).

(b) Measurement of pollutants. (i) The user shall provide the information required in § 18-220(1)(g)(i) through (iv).

(ii) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

(iii) 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 in Tennessee Rule 0400-4-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(iv) Sampling and analysis shall be performed in accordance with § 18-238.

(v) The mayor 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;

(vi) 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 POTW.

(c) Compliance certification. A statement, reviewed by the user's authorized representative, as defined in § 18-204(3), 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 § 18-231.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-242(1) and signed by an authorized representative as defined in § 18-204(7). (Ord. #221, April 2010)

18-231. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-230(2)(d).

(1) 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);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the mayor no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as 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; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the mayor. (Ord. #221, April 2010)

18-232. 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 POTW, any user subject to such pretreatment standards and requirements shall submit to the mayor a report containing the information described in § 18-220(1)(f) and (g) and § 18-230(2)(b). For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-206, (see 40 CFR 403.6(c)), this report shall contain a reasonable measure of the user's long-term production rate. 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 § 18-242(1). All sampling will be done in conformance with § 18-239. (Ord. #221, April 2010)

18-233. Periodic compliance reports. (1) All significant industrial users must, at a frequency determined by the mayor, submit no less than twice per year (April 15 and October 15) reports (per individual discharge permits) 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 require compliance with a Best Management Practice (BMP) or pollution prevention alternate, the user must submit documentation required by the mayor or the pretreatment standard necessary to determine the compliance status of the user.

All non-significant categorical users must submit a report once per year (April 15) per § 18-204(36).

(2) The Town of Mosheim may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. (See Tennessee Rule 0400-4-14-.12(5)(b)). This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See § 18-220(1)(h).

(c) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver must be signed in accordance with § 18-204(3), and include the certification statement in 6.13A Tennessee Rule 0400-4-14-.06(1)(b)(2).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved

method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the mayor must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the mayor for three (3) years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the user's permit by the mayor, the industrial user must certify on each report with the statement in § 18-242(3), that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of § 18-233(1), or other more frequent monitoring requirements imposed by the mayor and notify the mayor.

(i) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(3) All periodic compliance reports must be signed and certified in accordance with § 18-242(1).

(4) 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 the sample results are unrepresentative of its discharge.

(5) 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 mayor, using the procedures prescribed in § 18-239, the results of this monitoring shall be included in the report. See 40 CFR 403.12(g)(6). (Ord. #221, April 2010)

18-234. Reports of changed conditions. Each user must notify the mayor 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.

(1) The mayor 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 § 18-220.

(2) The mayor may issue an individual wastewater discharge permit under § 18-228 or modify an existing wastewater discharge permit under § 18-225 in response to changed conditions or anticipated changed conditions. (Ord. #221, April 2010)

18-235. Reports of potential problems. (1) 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 mayor 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.

(2) Within five (5) days following such discharge, the user shall, unless waived by the mayor, 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 POTW, 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.

(3) 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 (1) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the mayor immediately of any changes at its facility affecting the potential for a slug discharge. (Ord. #221, April 2010)

18-236. Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the mayor as the mayor may require. (Ord. #221, April 2010)

18-237. Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the mayor 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 mayor within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the Town of Mosheim performs sampling at the user's facility at least once a month, or if the Town of Mosheim performs sampling at the user between the time when the initial sampling was conducted and the time when the user or Town of Mosheim receives the results of this sampling, or if the Town of Mosheim has performed the sampling and analysis in lieu of industrial user.

If the Town of Mosheim performed the sampling and analysis in lieu of the industrial user, the Town of Mosheim will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. See 40 CFR 403.12(g)(2). (Ord. #221, April 2010)

18-238. 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 mayor or other parties approved by EPA. (Ord. #221, April 2010)

18-239. 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. This is to be done per individual wastewater discharge permit.

(1) Except as indicated in subsections (2) and (3) 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 mayor. Where time-proportional composite sampling or grab sampling is authorized by the Town of Mosheim, 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 Town of Mosheim, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. See 40 CFR 403.12(g)(3).

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of reports required in §§ 18-230 and 18-232 (Tennessee Rule 0400-4-14-.12(2) and (4)), 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 mayor may authorize a lower minimum. For the reports required by § 18-233 (Tennessee Rule 0400-4-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance

by with applicable pretreatment standards and requirements. See 40 CFR 403.12(g)(4). (Ord. #221, April 2010)

18-240. Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, in to a mail facility serviced by the United States postal service, the date of receipt of the report shall govern. (Ord. #221, April 2010)

18-241. Recordkeeping. 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 § 18-208(3). 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 Town of Mosheim, or where the user has been specifically notified of a longer retention period by the mayor. (Ord. #221, April 2010)

18-242. Certification statements. (1) Certification of permit applications, user reports, and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-221; users submitting baseline monitoring reports under § 18-230(2)(e). See 40 CFR 403.12(1). Users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-232. (See 40 CFR 403.12(d)). Users submitting periodic compliance reports required by § 18-233(1)-(3). (See 40 CFR 403.12(e) and (h)). Users submitting an initial request to forego sampling of a pollutant on the basis of § 18-233(2)(d). (See 40 CFR 403.12(e)(2)(iii)). The following certification statement must be signed by an authorized representative as defined in § 18-204:

"I certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system design 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."

(2) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the mayor pursuant § 18-204(36) and § 18-221(3), (see 40 CFR 403.3(v)(2)), must annually submit the following certification statement signed in accordance with the signatory requirements in § 18-204(3) (40 CFR 403.120(1)). This certification must accompany an alternative report required by the mayor:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____, to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user as described in § 18-204(36); (See 40 CFR 403.3(v)(2)).

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information. _____"

(3) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 18-233(2) must certify or each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user. See 40 CFR 403.12(e)(2)(v).

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____ [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing the last periodic report under § 18-233(1). (Ord. #221, April 2010)

18-243. Right of entry: inspection and sampling. The mayor shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit, or order issued hereunder. Users shall allow the mayor ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make

necessary arrangements with its security guards so that, upon presentation of suitable identification, the mayor shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The mayor shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The mayor may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually (unless otherwise agreed upon by the mayor) to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the mayor and shall not be replaced. The costs of clearing such access shall be borne by the user.

(5) Unreasonable delays in allowing the mayor access to the user's premises shall be violation of this chapter. (Ord. #221, April 2010)

18-244. Search warrants. If the mayor has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town of Mosheim designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of community, the mayor may seek issuance of a search warrant from the appropriate court. (Ord. #221, April 2010)

18-245. Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the mayors inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the mayor, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other

effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. #221, April 2010)

18-246. Publication of users in significant noncompliance. The mayor shall publish annually, in *The Greeneville Sun* (or other newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Lick Creek Valley Sanitary Sewer), a list of the users which, at any time during the previous calendar year, 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 subsections (3), (4), or (8) below) and shall mean:

(1) 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 as defined in §§ 18-205 through 18-210;

(2) 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, as defined by §§ 18-205 through 18-210 multiplied by the applicable criteria (§ 18-204 for BOD, TSS, fats, oils and grease, and § 18-202 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by §§ 18-205 through 18-210 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the mayor 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;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the mayor's exercise of its emergency authority to halt or prevent such a discharge;

(5) 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;

(6) Failure to provide within forty-five (45) days after the due date, any required report, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the mayor determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. #221, April 2010)

18-247. Notification of violation. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the mayor may serve upon that user a written notice of violation. If specified in the Notice of Violation (NOV), an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the mayor by the date specified in the NOV (if applicable). Submission of such a 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 shall limit the authority of the mayor to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. #221, April 2010)

18-248. Consent orders. The mayor may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 18-250 and 18-251 and shall be judicially enforceable. (Ord. #221, April 2010)

18-249. Show cause hearing. The mayor may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the mayor and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-204(3) and required by § 18-221(1). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-250. Compliance orders. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual

wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the mayor may issue 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 time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may 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 pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-251. Cease and desist orders. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the mayor may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-252. Administrative penalties. (1) When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement, the mayor may issue a penalty to user per the Town of Mosheim's Enforcement Response Plan.

(2) Unpaid charges and penalties shall, after sixty (60) calendar days, be assessed interest at a rate thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the user's property may be sought for unpaid charges and penalties.

(3) Users desiring to dispute such penalties must file a written request for the mayor to reconsider the penalty along with full payment of the penalty amount within ten (10) days of being notified of the penalty. Where a request has merit, the mayor may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The mayor may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(4) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other, action against the user. (Ord. #221, April 2010)

18-253. Emergency suspensions. The mayor may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The mayor may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the mayor may take such steps as deemed necessary; including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The mayor may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the mayor that the period of endangerment has passed, unless the termination proceedings in § 18-254 are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the mayor prior to the date of any show cause or termination hearing under §§ 18-249 through 18-254.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. #221, April 2010)

18-254. Termination of discharge. In addition to the provisions in § 18-227, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of individual wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in §§ 18-205 through 18-210.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-249 why the proposed action should not be taken. Exercise of this option by the mayor shall not be a bar to,

or a prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-255. Injunctive relief. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the mayor may petition the appropriate court through the Town of Mosheim's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The mayor may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against user. (Ord. #221, April 2010)

18-256. Civil penalties. (1) A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town of Mosheim civil penalties per the Town of Mosheim's Enforcement Response Plan. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The mayor may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town of Mosheim.

(3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. #221, April 2010)

18-257. Criminal prosecution. (1) A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may be prosecuted (initiated by the Town of Mosheim) for such violations.

(2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage may be prosecuted (initiated by the Town of Mosheim) for such violations. This penalty may be in

addition to any other cause of action for personal injury or property damage available under state law.

(3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter may be prosecuted (initiated by the Town of Mosheim) for such violations. (Ord. #221, April 2010)

18-258. Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The mayor may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town of Mosheim's Enforcement Response Plan. However, the mayor may take other action against any user when the circumstances warrant. Further, the mayor is empowered to take more than one (1) enforcement action against a noncompliant user. (Ord. #221, April 2010)

18-259. Availability. At such time as a sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made within thirty (30) days to the public sewer. The sewer shall be considered available when the first floor of the building above or on ground level can be served by the sewer line in accordance with the Town of Mosheim's rules and regulations and general practice. When sewer is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for sewage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty (30) days after sewer is accepted by the Town of Mosheim. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the mayor for cause. Private disposal systems will not be approved if sewer is determined to be available by the town. (Ord. #221, April 2010)

18-260. Connections. (1) All pipe, installation, and testing shall be in accordance with all current applicable local, county, and state building codes in effect in jurisdiction where work is being performed.

(2) Before excavating for sewer service, a permit must be obtained from the Town of Mosheim. A tap fee is required and must be paid in full before the permit is issued. The town will set the tap fee amounts. In cases where there are multiple units in one building (such as an apartment building) each unit will be accessed a tap fee. It is the responsibility of the owner, builder, or contractor to ascertain that at the building is placed on proper grade and location to be serviced by the existing sewer lines, before excavation is started. The town will

make a determination the property can be served by either pressure sewer or gravity sewer. The inside plumbing must be completed and laid outside of the building before the sewer tap will be made, and then must be attached immediately to the sewer lateral.

(3) Initial connections to mains and trunk line sewers are to be made into a wye connector or other connection provided in line. If for any reason a wye connector or other connection is not available, the connection to main or trunk will be made by the Town of Mosheim.

(4) The building sewer lines shall be constructed of new materials, be laid per pipe manufacturer's directions, and be in a trench with no other utilities.

(5) Only one (1) building can be connected to each tap.

(6) Building sewers (for connection to gravity sewers) shall conform to the following requirements:

(a) The minimum size of a building sewer shall be four inches (4").

(b) All joints and connections shall be made watertight.

(c) The building sewer shall be laid at uniform grade on a continuous firm base and in straight alignment insofar as possible. A clean-out shall be provided outside and within five feet (5') of the wall, and be properly plugged. No bends greater than forty-five (45) degrees will be permitted.

(d) Four inch (4") building sewers shall be laid on a grade greater than or equal to one-eighth inch (1/8") per linear 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.

(e) The interior of each length of pipe shall be made perfectly clean and free from off-sets, fins, and projections before the next length is connected.

(f) Building sewers shall not be constructed closer than five feet (5') to any exterior wall, cellar, basement, or cistern, and depth shall be sufficient to afford protection from frost.

(g) Waste, gas service, electric service, and building storm sewers, shall not be laid in the same trench as the building sanitary sewer.

(7) Building sewers (for connection to pressure sewer).

(a) The owner is required to furnish two hundred twenty (220) volts (20 amp, 2-pole breaker) of electrical service to the outside wall closest to the grinder pump. Wire must be a minimum 2-12 gauge with ground. Power must be left on year round whether the property is occupied or not.

(b) The property owner will construct a four inch (4") lateral from his home and connect it to the grinder pump unit. See § 18-260(4) for construction methods.

(c) The Town of Mosheim will own, furnish, install, and maintain grinder pump unit.

(d) If a second home is added to the grinder pump by the town, the town may consider a discount in sewer bill for the home providing the electrical service.

(8) Materials. Building sewers shall be constructed of a size not less than four inches (4"), nominal internal diameter, and shall be of the materials listed below or other suitable material that is approved by the Town of Mosheim.

(a) Cast iron pipe - A.S.T.M. specifications A74-42; cast iron solid pipe and fittings.

(b) Plastic pipe - minimum wall thickness for all plastic, pipe is 0.187" schedule 40 and meet A.S.T.M. specifications. Polyvinal Chloride (PVC) extra strength - cemented joints; Acrylonitrik - Butadiene - Styrene (ABS) - sewer pipe and fittings - extra strength - cemented joints.

(9) All pipe installation and testing shall be in accordance with all current applicable local, county, and state plumbing codes.

(10) A backwater check valve shall be installed in each building sewer where the mayor or engineer for the Town of Mosheim determines that it is necessary or desirable. (Ord. #221, April 2010)

18-261. Inspection of lines. The sewer laterals from the building to the sewer main line must be inspected by an inspector of the Town of Mosheim before any underground portion is covered. The town is to be contacted twenty-four (24) hours ahead of anticipated time of required inspection. (Ord. #221, April 2010)

18-262. Connection to main. The building sewer lines shall be connected to the main sewer line by the Town of Mosheim. Property owners or contractors shall not make connections to the sewer system. Tap fee must be paid before connection will be made. (Ord. #221, April 2010)

18-263. Use and maintenance of sewer laterals. Sewer laterals that have been previously used but have been abandoned due to the razing of a building structure may be used in connection with new buildings only when they are found, on examination and test by the mayor, to meet all requirements of this chapter. All others must be sealed to the specifications of the Town of Mosheim. Each individual property owner or user of the wastewater control facilities shall be entirely responsible for the maintenance of the sewer lateral located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the mayor to meet specifications of the Town of Mosheim. Refer to §§ 18-205 through 18-210 for prohibited discharges. The user is to avoid discharges that cause damage to the sewer or environment or that causes problems in pump stations, clogs lines, etc. This may include disposable diapers, sanitary napkins, plastic tampon containers, articles

of clothing, rubber goods, gravel, oils, grease, storm water, cistern overflow, etc. In case of power failures, the users should avoid laundry, bathing, and toilet flushing as much as possible. The users served by pressure sewer should notify the town if the alarm light on the pump that serves them is on (indicating a problem). Any pump station, manhole, etc. are not to be covered with dirt or other material as to limit access. (Ord. #221, April 2010)

18-264. Private wastewater disposal. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of § 18-267. When utilizing a private wastewater disposal system, approval by the Town of Mosheim and the State of Tennessee must be granted before construction or reconstruction is commenced. (Ord. #221, April 2010)

18-265. Interruption of service. The Town of Mosheim shall not be liable for any damage resulting from failure of overflow of any sewer main, service pipes, or valves, or by discontinuing the operation of its wastewater collections, treatment, and disposal facilities, for repair, extensions, or connections or from the accidental failure of the wastewater collection, treatment, and disposal facilities from any cause whatsoever. In cases of emergency, the Town of Mosheim shall have the right to restrict the use of its wastewater collection, treatment, and disposal facilities in any reasonable manner for the protection of the Town of Mosheim and the wastewater control system. (Ord. #221, April 2010)

18-266. Discontinuance of service and refusal to connect service. The mayor shall, after written notice, and allowance of a reasonable time for remedial action, have the right to discontinue service or to refuse to render services for a violation of, or failure to comply with, this chapter, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the Town of Mosheim. Such right to discontinue service shall apply to all service received through a single tap or service; even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant. Discontinuance of service by the mayor for any cause stated in this chapter shall not release the customer from liability for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The mayor shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment, or dwelling unit to which such service is to be furnished, in default in the payment of any obligation to the Town of Mosheim or has heretofore had his service disconnected because of a violation of this chapter or the rules and regulations of the Town of Mosheim. (Ord. #221, April 2010)

18-267. Private domestic wastewater disposal system. The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the mayor and the State of Tennessee after making such tests and examinations of the site as are deemed essential to determine if the soil absorption, topography, drainage area, etc. are satisfactory for underground disposal. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply. Plans and specifications for private wastewater disposal systems other than septic tanks and drain fields must be approved by the State of Tennessee and then submitted to the Town of Mosheim for review and written approval by the mayor. (Ord. #221, April 2010)

18-268. General. All users must pay rates set by the Town of Mosheim Board of Mayor and Aldermen including tap fees, basic user rates, surcharges, fees for pretreatment and all other fees set by the town board. (Ord. #221, April 2010)

18-269. Pretreatment charges and fees. The Town of Mosheim may adopt reasonable fees for reimbursement of costs of setting up an operating the Town of Mosheim's Pretreatment Program, which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals;
- (5) Fees to recover administrative and legal costs associated with the enforcement activity taken by the mayor to address IU noncompliance; and
- (6) Other fees as the Town of Mosheim may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by th Town of Mosheim. (Ord. #221, April 2010)

18-270. Maintenance fees. In addition to fee, fines, and penalties stated in other sections of this document, the town may access a fee for cleaning and/or repairing the system against a property for unclogging lines, damages, etc. for multiple service calls required because of discharges made by a customer. (Ord. #221, April 2010)

18-271. Easements. The mayor and his representatives, bearing proper credentials and identification, shall be permitted to enter all private properties through which public sewer lines are located and thus holds an easement for the

purpose of inspection, observations, measurements, sampling, repairing, operations, and maintenance. (Ord. #221, April 2010)

18-272. Sewer extensions and improvements. All extensions, modifications, and improvements made to the sewer collection system and/or treatment plant shall be done in accordance with the State of Tennessee Department of Environment and Conservation regulations and meet the approval of the mayor. (Ord. #221, April 2010)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations and penalty.

18-301. 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 a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(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 system of furnishing water to the Town of Mosheim for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (Ord. #18, March 1976)

¹Municipal code reference

Plumbing and related codes: title 12.

18-302. Standards. The Mosheim Public Water Supply is to comply with *Tennessee Code Annotated*, §§ 53-2001 and 53-2004 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. (Ord. #18, March 1976)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-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 Public 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 Waterworks Superintendent of the Town of Mosheim. (Ord. #18, March 1976)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the waterworks superintendent of the Town of Mosheim 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. (Ord. #18, March 1976)

18-305. Inspections required. It shall be the duty of the Town of Mosheim 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 reinspections based on potential health hazards involved shall be as established by the waterworks superintendent of the Town of Mosheim and as approved by the Tennessee Department of Public Health. (Ord. #18, March 1976)

18-306. Right of entry for inspections. The waterworks superintendent or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Mosheim public water supply for the purpose of inspecting the piping system or systems thereof 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. (Ord. #18, March 1976)

18-307. Correction of existing 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 waterworks superintendent of the Town of Mosheim. (Ord. #18, March 1976)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (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 waterworks superintendent of the Town of Mosheim, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the waterworks superintendent of the Town of Mosheim prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the waterworks 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 only one (1) unit is installed and the continuance of service is critical, the waterworks 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 system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the waterworks superintendent of the Town of Mosheim. (Ord. #18, March 1976)

18-309. Unpotable water to be labeled. The potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters one inch (1") high located on a red background. (Ord. #18, March 1976)

18-310. 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 not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the Waterworks Superintendent of the Town of Mosheim shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. #18, March 1976)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be furnished by Greeneville Light and Power.

19-101. To be furnished by Greeneville Light and Power.
Electricity shall be provided to the Town of Mosheim and its inhabitants by the Greeneville Light and Power. The rights, powers, duties, and obligations of the Town of Mosheim and its inhabitants, are stated in the agreements between the parties.¹

¹The agreements are of record in the office of the recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. ELECTION REGULATIONS.
2. FAIR HOUSING.

CHAPTER 1

ELECTION REGULATIONS

SECTION

20-101. Voting procedure for nonresidents.

20-101. Voting procedure for nonresidents. (1) In accordance to *Tennessee Code Annotated*, § 2-6-205, the Town of Mosheim, Tennessee nonresident property owners that are registered to vote within the municipality shall be directed to cast their municipal ballots are absentee by mail ballots.

(2) The county election commission shall be requested to mail an application for absentee by mail ballot to each nonresident property owner registered to vote in the Town of Mosheim and shall include, therein, a notice advising the voter of the absentee ballot voting process and that it is the only voting process available to nonresident property owner voters. (Ord. #258, July 2014)

CHAPTER 2

FAIR HOUSING

SECTION

- 20-201. Definitions.
- 20-202. Regulations.
- 20-203. Exception.
- 20-204. Denying services prohibited.
- 20-205. Human relations sub-committee.
- 20-206. Filing complaints.
- 20-207. Victims not required to exhaust other remedies.
- 20-208. Violations and penalty.

20-201. Definitions. Whenever used in this chapter, the following words and terms shall have the following meanings unless the context necessarily requires otherwise.

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant. (Ord. #25, April 1978)

20-202. Regulations. Subject to the exceptions hereinafter set out, it shall be unlawful for any person to do any of the following acts:

(1) To refuse to sell or rent after the making of a bona fide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, or national origin;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, religion, or national origin;

(3) To make, print, or publish, or cause to be made, printed, or published, any notice statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin;

(4) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available; or

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin. (Ord. #25, April 1978)

20-203. Exception. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. (Ord. #25, April 1978)

20-204. Denying services prohibited. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion, or national origin. (Ord. #25, April 1978)

20-205. Human relations sub-committee. The human relations sub-committee of the Citizens Advisory Committee of Mosheim is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purposes of this chapter. It may call conference of persons in the housing industry and other interested parties to acquaint them with the provisions hereof and the committee's suggested means of implementing it. The sub-committee shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate town officials on matters of enforcement. The sub-committee may issue reports on such conferences and consultations as it deems appropriate. (Ord. #25, April 1978)

20-206. Filing complaints. Any person who claims to have been injured by an act made unlawful by this chapter, or who claims that he will be injured by such an act, may file a complaint with the chairman of said sub-committee. A complaint shall be filed within one hundred eighty (180) days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the human relations sub-committee. Upon receipt of a complaint, the sub-committee shall promptly investigate it and shall complete its investigation within fifteen (15)

days. If a majority of the human relations sub-committee finds reasonable cause to believe that a violation of this chapter has occurred, or if a person charged with violation of this chapter refuses to furnish information to said sub-committee, the sub-committee may request the town attorney to prosecute an action in the town court against the person charged in the complaint. Such request shall be in writing.

Upon receiving such written request and with the assistance of the aggrieved person and said sub-committee, within fifteen (15) days after receiving such request, the Town Attorney shall be prepared to prosecute an action in the town court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (Ord. #25, April 1978)

20-207. Victims not required to exhaust other remedies. Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein, nor prevent any such person from seeking relief at any time under the Federal Civil Rights Acts or other applicable legal provisions. (Ord. #25, April 1978)

20-208. Violations and penalty. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not more than fifty dollars (\$50.00) for each offense. (Ord. #25, April 1978)

ORDINANCE # 288**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE
ORDINANCES OF THE TOWN OF MOSHEIM, TENNESSEE**

WHEREAS, some of the ordinances of the Town of Mosheim are obsolete, and

WHEREAS, some of the other ordinances of the Town are inconsistent with each other or are otherwise inadequate, and

WHEREAS, the Board of Mayor and Aldermen of the Town of Mosheim, 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 "Mosheim Municipal Code", now, therefore:

**BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF
MOSHEIM, TENNESSEE, THAT:**

Section 1: Ordinances codified. The ordinances of the Town of Mosheim 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 "Mosheim Municipal Code", hereinafter referred to as the "municipal code".

Section 2: Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3: Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said city's/town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; and prosecution, suit or other proceeding pending or any judgement rendered on or prior to the effective date of said code; any zoning

ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4: Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5: Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be civil offense". Anytime the word "fine" or similar term appears in the context of 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.

Section 6: Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7: Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The Board of Mayor and Aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally

adopted, and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8: Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which established 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.

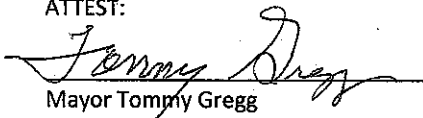
Section 10: Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after the date.

Passed 1st Reading: 5-28-2020

Passed 2nd & Final Reading: 6-25-2020

Public Hearing: 6-25-2020

ATTEST:


Mayor Tommy Gregg


Town Recorder Kelle Lowery

CERTIFICATE OF AUTHENTICITY

City of Mosheim
County of Greene
State of Tennessee

I, Kelle Lowery, hereby certify that I am the Recorder of the Town of Mosheim, Tennessee, duly appointed and qualified; that as such, I am the official custodian of the minute books of the city and of the books, papers, records, and documents of the city and, that the foregoing pages of the "Mosheim Municipal Code" contain a true, perfect, and correct copy of the city's code of ordinances and the ordinance adopting the same passed on final reading the 25th day of June, 2020.

In witness whereof, I have hereunto subscribed my name this 25th day of June, 2020.

Kelle Lowery
Recorder