

**THE
MUNFORD
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

February 2002

Change 4, December 28, 2017

CITY OF MUNFORD, TENNESSEE

MAYOR

Dwayne Cole

VICE MAYOR

Sue Arthur

ALDERMEN

Jack Bomar
Ray Deneka
Lonnie Glass
George Watson
Robert Wilson

RECORDER

Sherry Yelvington

PREFACE

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

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

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

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

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

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

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

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

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

Steve Lobertini
Codification Specialist

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

Section 15. Be it further enacted, That all ordinances by the Board of Mayor and Aldermen of said town or city before becoming effective shall be passed on two separate readings and at separate meetings; provided, that any ordinance may be passed at a regular or called session on first or second reading; provided, further, that if passed at a called or special meeting, the purpose of said call to be set out in the call, said call to be in writing and to be entered on the minutes of such call meetings; and provided, further, that all ordinances before becoming effective shall be entered on the ordinance or minute book of said town and signed by the Mayor and Recorder and Treasurer of the Board and shall also be published for one issue in a newspaper in said town, if there be one and if not, to be written or printed on posters and placed at three public places in said town. All ordinances shall begin with the enacting clause: "Be it ordained by the Board of Mayor and Aldermen of the City of Munford," and shall at the end of the Act contain the provisions, "That this ordinance shall take effect from and after its passage, the welfare of the city requiring it." Otherwise it shall not take effect till 20 days after its passage.

The ordinances of said town when properly passed may be proved in any courts of this State by the introduction of the minute or ordinance book or by the code of ordinances when adopted by the Board of Mayor and Aldermen.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER AND TREASURER.
4. MUNICIPAL ELECTIONS.

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. Salaries of mayor and aldermen.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the fourth (4th) Monday of each month at the Munford Municipal Building. (1984 Code, § 1-101, modified)

¹Charter references

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

Municipal code references

Building, plumbing and electrical inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Election and terms: § 6.

Qualifications: § 7.

Quorum: §§ 10 and 30.

Vacancy in office: §§ 11 and 35.

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) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (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. (1984 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the 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. (1984 Code, § 1-103, modified)

1-104. Salaries of mayor and aldermen. Effective with the municipal election to be held on the second Saturday in May, 2003, the salary of the mayor shall be \$1,500.00 per month and the salary of each alderman shall be \$200.00 per month. In addition, there will be no salary for committee meetings. (Ord. #2001-04-01, April 2001)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1984 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1984 Code, § 1-202)

¹Charter references

Compensation: § 8.

Powers and duties: § 29.

Qualifications: § 7.

Vacancy in office: § 35.

Veto power: § 34.

CHAPTER 3

RECORDER AND TREASURER¹

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 and treasurer 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. (1984 Code, § 1-301)

1-302. To keep minutes, etc. The recorder and treasurer 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. (1984 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder and treasurer shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall keep the original volume of the Munford Municipal Code in his custody at all times except in those instances where it is required for litigation in courts. He shall also be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1984 Code, § 1-303)

¹Charter references

Compensation: § 8.

Duties: §§ 18 and 24.

Qualifications: § 7.

CHAPTER 4

MUNICIPAL ELECTIONS

SECTION

1-401. Nonresident property owner voting.

1-401. Nonresident property owner voting. In accordance with Tennessee Code Annotated, § 2-6-205, nonresident property owners shall cast their municipal ballots as absentee mail ballots. (as added by Ord. #2014-06-01, July 2014)

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. BOARD OF HEALTH.****CHAPTER 1****BOARD OF HEALTH¹****SECTION**

2-101. Board of health established.

2-102. Power to adopt quarantine.

2-103. Board to establish rules and regulations.

2-104. Jurisdiction - One mile beyond city limits.

2-101. Board of health established. Pursuant to the authority of the charter¹ there is hereby established a board of health consisting of two resident physicians of the City of Munford, a member of the board of mayor and aldermen, and the mayor of the City of Munford, and their terms of office shall not exceed that of the board of mayor and aldermen. The members of said board of health shall be appointed by the board of mayor and aldermen of the City of Munford at any regular or called meeting of said board. (1984 Code, § 1-1001)

2-102. Power to adopt quarantine. The board of health shall have full power to adopt such quarantine rules and regulations that are not inconsistent with the laws of the State of Tennessee for the protection of the public health for the City of Munford and to adopt such sanitary rules and regulations as it may deem essential, expedient and necessary to protect the public health of said city. (1984 Code, § 1-1002)

2-103. Board to establish rules and regulations. The board of health shall certify to the board of mayor and aldermen a copy of all rules and regulations adopted by said board of health and all such orders, rules and regulations so adopted, when approved by the board of mayor and aldermen, shall have the same force and effect as other laws of the City of Munford. (1984 Code, § 1-1003)

2-104. Jurisdiction - One mile beyond city limits. The jurisdiction of said board of health to regulate sanitary conditions in said City of Munford

¹Charter reference: § 11.

shall extend one mile beyond the corporate limits of the City of Munford. (1984 Code, § 1-1004)

TITLE 3**MUNICIPAL COURT****CHAPTER**

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

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

- 3-101. Office of city judge established.
- 3-102. Judge to have powers and functions provided by charter for mayor's court.
- 3-103. Qualifications.
- 3-104. Appointment and term of office.
- 3-105. Vacancies.
- 3-106. Oath of office and bond.
- 3-107. Salary.
- 3-108. Absence or disability.

3-101. Office of city judge established. Pursuant to authority granted in Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, there is hereby created and established for the City of Munford, Tennessee, the office of city judge. (1984 Code, § 1-501)

3-102. Judge to have powers and functions provided by charter for mayor's court. The judge shall be vested with the same powers and functions and shall be subject to the same provisions of law and the city's charter governing the mayor's court. (1984 Code, § 1-502)

3-103. Qualifications. The city judge shall be at least twenty-one (21) years of age, and an attorney licensed to practice in the State of Tennessee. (1984 Code, § 1-503)

3-104. Appointment and term of office. The city judge shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the board. The term shall be for two (2) years, unless sooner removed by the

board, said term beginning at 12:01 A.M., the first day of January, and any incumbent judge shall serve during the term and until his successor is appointed and qualified. (1984 Code, § 1-504, modified)

3-105. Vacancies. Any vacancies occurring in the office of city judge shall be filled by the board of mayor and aldermen for the unexpired term. (1984 Code, § 1-505)

3-106. Oath of office and bond. The city judge shall, before entering upon his duties as such, take an oath before a justice of the peace to support the Constitution of the United States and the State of Tennessee and faithfully and honestly to perform his duties during his term of office. He shall post a bond in the amount and in the manner prescribed by the board of mayor and aldermen. The cost of the bond shall be paid by the City of Munford. (1984 Code, § 1-506)

3-107. Salary. The salary shall be set by the board of mayor and aldermen. (1984 Code, § 1-507, modified)

3-108. Absence or disability. The city judge shall designate in writing to the board of mayor and aldermen a person to serve as judge in the event the judge is absent or is disabled and unable to perform his duties as city judge. (1984 Code, § 1-508)

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CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1984 Code, § 1-509)

3-202. Imposition of fines, penalties, and costs. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court. In all cases heard or determined by him the municipal judge may tax an amount of ninety-two dollars (\$92.00) for court costs. (1984 Code, § 1-515, as amended by Ord. #2012-06-01, July 2012)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1984 Code, § 1-518)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1984 Code, § 1-519)

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

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in a proper condition or is not able to appear before the court. (1984 Code, § 1-513)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1984 Code, § 1-510)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to appear personally before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1984 Code, § 1-511)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1984 Code, § 1-512)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1984 Code, § 1-514)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1984 Code, § 1-516)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1984 Code, § 1-517)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

1. SOCIAL SECURITY -- CITY PERSONNEL.
2. PERSONNEL.
3. CODE OF ETHICS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY -- CITY PERSONNEL

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Munford, Tennessee, to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1984 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments² thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1984 Code, § 1-702)

¹For additional employee regulations not included in this title, see the employee handbook, of record in the office of the recorder.

²Ord. #94-31 amended Section 218 agreement with the OASI agency to increase the exclusion rule to \$1,000.00. This ordinance is of record in the recorder's office.

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-704)

4-105. Records and reports to be made. The recorder and treasurer shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1984 Code, § 1-705)

CHAPTER 2

PERSONNEL

SECTION

- 4-201. Purpose.
- 4-202. Administration.
- 4-203. Personnel rules and regulations.
- 4-204. Records.
- 4-205. Right to contract for special services.
- 4-206. Amendments.

4-201. Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Munford that is based on merit and fitness. The system shall provide a means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability.

4-202. Administration. The personnel system shall be administered by the city manager, who shall have the following duties and responsibilities:

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

- (8) Prepare and recommend to the board of mayor and aldermen a pay plan for all municipal government employees;
- (9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government; and,
- (10) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law.

4-203. Personnel rules and regulations. The city manager shall develop rules and regulations, necessary for effectively administering the personnel system. Such rules and regulations shall become effective after approval by the governing body. Amendments to the rules and regulations shall be made in accordance with the procedure below. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their job than they already possess.

4-204. Records. The city manager shall maintain adequate records of the employment record of every employee as specified herein.

4-205. Right to contract for special services. The board of mayor and aldermen may direct the city manager to contract with any competent agency for performing such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary.

4-206. Amendments. Amendments or revisions of these rules may be recommended for adoption by the city manager by resolution. Such amendments or revisions of these rules shall become effective after approval of the resolution by the governing body.

CHAPTER 3

CODE OF ETHICS¹

SECTION

- 4-301. Applicability.
- 4-302. Definition of personal interest.
- 4-303. Disclosure of personal interest by officials with vote.
- 4-304. Disclosure of personal interest in nonvoting matters.
- 4-305. Acceptance of gratuities, etc.
- 4-306. Use of information.
- 4-307. Use of city time, facilities, etc.
- 4-308. Use of position or authority.
- 4-309. Outside employment.
- 4-310. Ethics complaints.
- 4-311. Violations.

4-301. Applicability. This chapter is the code of ethics for personnel of the City of Munford. 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 city. The words "municipal" and "municipality" include these separate entities. (1984 Code, § 1-901, as replaced by Ord. #2007-04-01, April 2007)

4-302. Definition of personal interest. (1) For purposes of §§ 4-303 and 4-304, "personal interest" means:

¹State statutes dictate many of the ethics provisions that apply to city officials and employees.

Campaign finance - Tennessee Code Annotated, title 2, chapter 10.

Conflict of interest - Tennessee Code Annotated, § 6-54-107 and 8-50-501.

Consulting fee - §§ 2-10-122, 124.

Crimes involving public officials - Tennessee Code Annotated, §§ 39-16-101, 39-16-401.

Ouster law - § 8-47-101.

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (1984 Code, § 1-902, as replaced by Ord. #2007-04-01, April 2007)

4-303. Disclosure of personal interest by officials 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. (1984 Code, § 1-903, as replaced by Ord. #2007-04-01, April 2007)

4-304. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (1984 Code, § 1-904, modified, as replaced by Ord. #2007-04-01, April 2007)

4-305. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, or other consideration or favor of any kind from anyone other than the city:

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

¹Note: Masculine pronouns include the feminine.

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing city business. (1984 Code, § 1-905, as replaced by Ord. #2007-04-01, April 2007)

4-306. 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. (1984 Code, § 1-906, as replaced by Ord. #2007-04-01, April 2007)

4-307. Use of city time, facilities, etc. (1) An official or employee may not use or authorize the use of city 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 city 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 city. (1984 Code, § 1-907, as replaced by Ord. #2007-04-01, April 2007)

4-308. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #2007-04-01, April 2007)

4-309. 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 city position or conflicts with any provision of the city's charter or any ordinance or policy. (as added by Ord. #2007-04-01, April 2007)

4-310. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires

information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the governing body 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 city's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #2007-04-01, April 2007)

4-311. Violations. An elected official or appointed member of a separate city board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-04-01, April 2007)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-401. Title.

4-402. Purpose.

4-403. Coverage.

4-404. Standards authorized.

4-405. Variances from standards authorized.

4-406. Administration.

4-407. Funding the program.

4-401. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Munford, Tennessee. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-402. Purpose. The City of Munford, Tennessee, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.

(2) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-403. Coverage. The provisions of the occupational safety and health program for the employees of the City of Munford, Tennessee shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Munford, Tennessee whether part-time or full-time, seasonal or permanent. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Munford, Tennessee are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the

Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-405. Variances from standards authorized. The City of Munford, Tennessee may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Munford, Tennessee shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Munford, Tennessee shall be deemed sufficient notice to employees. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

4-406. Administration. (1) For the purposes of this chapter, the chairman of the safety committee is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the safety plan for the City of Munford, Tennessee. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan.

(2) The safety director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three (3) or more employees, insure that the Commissioner of Labor and Workforce Development receive notification of the occurrence within (8) hours. All work-related impatient hospitalization, amputations, and loss of an eye must be reported to TOSHA within twenty-four (24) hours. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003, and amended by Ord. #2016-06-01, July 2016)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Munford, Tennessee. (Ord. #95-21, Oct. 1995, as replaced by Ord. #2003-06-01, June 2003)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Purpose.
- 4-502. Enforcement.
- 4-503. Travel policy.
- 4-504. Travel reimbursement rate schedule.
- 4-505. Administrative procedures.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the city 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 board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #93-9, Aug. 1993)

4-502. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #93-9, Aug. 1993)

4-503. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. 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 city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. 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 city business for which travel was authorized, and

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

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #93-9, Aug. 1993)

4-504. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #93-9, Aug. 1993)

4-505. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

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. #93-9, Aug. 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. PURCHASING.

CHAPTER 1

REAL PROPERTY TAXES

SECTION

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

5-101. When due and payable.² Taxes levied by the city against real property shall become due and payable annually on the first day of December of the year for which levied. (1984 Code, § 6-201)

5-102. When delinquent--penalty and interest.³ All real property taxes shall become delinquent on and after the first day of March next after they

¹Charter references: §§ 19-22.

²State law references

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

³Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

become due and payable and shall thereupon be subject to such penalty and interest as established under a general law procedure, Tennessee Code Annotated, §§ 6-55-201--6-55-206.¹ (1984 Code, § 6-202)

¹Charter and state law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

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

CHAPTER 2**PRIVILEGE TAXES****SECTION**

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by city, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1984 Code, § 6-301)

5-202. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder and treasurer to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1984 Code, § 6-302)

CHAPTER 3**WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

5-301. To be collected. The recorder and treasurer is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1984 Code, § 6-401)

¹State law reference

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

CHAPTER 4

PURCHASING

SECTION

5-401. Advertisement and competitive bidding.

5-402. Requests for proposals.

5-401. Advertisement and competitive bidding. Pursuant to Tennessee Code Annotated, § 6-56-306, municipalities may increase the maximum purchase amount before public advertisement and competitive bidding are required; therefore the city increases the limit to ten thousand dollars (\$10,000). (Ord. #2000-04-02, April 2000)

5-402. Requests for proposals. (1) The City of Munford may issue requests for proposals and use competitive sealed proposals to purchase goods and services rather than competitive sealed bids after determining that the use of competitive sealed bids are not practicable or advantageous to the city.

(2) When there is more than one (1) solution to a purchasing issue and the competitive sealed proposals will assist in choosing the best solution.

(3) When there is no readily identifiable solution to a purchasing issue and the competitive sealed proposals will assist in identifying one (1) or more solutions.

(4) Guidelines for requests for proposals and competitive sealed proposals:

(a) Adequate public notice of each Request for Proposals shall be given in a similar manner to that provided for competitive sealed bids.

(b) Competitive sealed proposals shall be opened in a manner that avoids disclosure of contents to competing respondents during the negotiation. The proposals shall be available for public inspection upon request after the intent to award the contract to a particular respondent is announced.

(c) Each request for proposals shall state the relative importance of price and other evaluation factors.

(d) Discussions may be conducted for clarification to assure full understanding of, and responsiveness to, the proposal requirements with responsible respondents who submit proposals determined to be reasonably susceptible of being selected. These respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted, after submission and before the intent to award to a particular respondent is announced, to obtain the best and final offers. In conducting discussions, municipal personnel may make no disclosure to

any respondent of any information derived from proposals submitted by competing respondents.

(e) The award shall be made to the responsible respondent whose proposal the governing body determines is the most advantageous to the municipality, taking into consideration the evaluation factors set out in the request for proposals. No other factor may be used in the evaluation. The municipality shall place in the contract file a statement containing the basis on which the award was made. (as added by Ord. #2017-07-03, Aug. 2017)

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

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1984 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1984 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1984 Code, § 1-403)

6-104. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

¹Municipal code reference

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1984 Code, § 1-404)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1984 Code, § 1-406)

6-106. Disposition of persons arrested. A peace officer who has arrested a person for the commission of a misdemeanor committed in his presence or who has done so pursuant to a valid arrest warrant, or who has taken custody of a person arrested by a private person for the commission of a misdemeanor, may issue a citation to such arrested person to appear in court in lieu of continued custody and the taking of the arrested person before a magistrate. No citation shall be issued under the provisions of this section if:

(1) The person arrested requires medical examination or medical care, or if he is unable to care for his own safety;

(2) There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered by the arrested person;

(3) The person cannot or will not offer satisfactory evidence of identity;

(4) The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized;

(5) A reasonable likelihood exists that the arrested person will fail to appear in court; and

(6) The person demands to be taken immediately before a magistrate or refuses to sign the citation.

In issuing a citation, the officer shall:

(a) Prepare a written order which shall include the name and address of the cited person, the offense charged, and the time and place of appearance. The citation shall give notice to the defendant that his failure to appear as ordered shall constitute a separate offense;

(b) Have the offender sign the original and duplicate copy of the citation. He shall deliver one (1) copy to the offender and he shall retain the other; and

(c) Release the cited person from custody.

By accepting the citation, the defendant agrees to appear at the arresting law enforcement agency prior to trial to be booked and processed. Failure to comply with this provision shall be a misdemeanor punishable under the general penalty provision of this code.

If the person cited fails to appear in court at the date and time specified, the court shall issue a bench warrant.

Whenever a citation has been prepared, delivered and filed with a court as provided herein, a duplicate copy of the citation shall constitute a complaint to which the defendant shall answer. Said duplicate copy shall be sworn to by the issuing officer before the city judge or official lawfully assigned such duty.

Any person who intentionally, knowingly, or willfully violates his written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested, and upon conviction shall be punished by under the general penalty provision of this code.

Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure is willful.

Any person taken into custody after arrest shall be brought before the city court for immediate trial or be allowed to post bond.

When the city judge is not available or the alleged offender does not post bond he shall be confined. (1984 Code, § 1-405)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1984 Code, § 1-407)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 7-101. Fire limits described.
7-102. Fire hydrant color coding.

7-101. Fire limits² described. The corporate fire limits shall be as follows: Beginning at the intersection of East Main Street and Tipton Street thence running south along Tipton Street to the intersection of said street with the north property line of the Munford Methodist Church, thence westward along this said north line to the north-west corner of said Church lot, thence northward crossing Church Street and continuing north along center of Feezor Alley to the intersection of said alley with West Main Street, thence eastward along West Main Street to the intersection of West Main Street and Bass Street, continuing eastward along Bass Street to the most northeasterly corner of H. N. Haddad's lot, thence south along Haddad's east line to the southwest corner of Miss Laverne Clement's lot, thence eastward along Miss Clement's south line,

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

²See the Standard Building Code adopted in title 12, chapter 1 of this code. Chapter II, section 301.3(b) of the Standard Building Code imposes particular construction and modification requirements peculiar to buildings within the fire district and prohibits Group H occupancy within the fire district. Chapter IV, section 407 of the Standard Building Code defines Group H occupancy in both general and specific terms.

Charter reference
Establishment of fire limits authorized: §§ 37(13) and 37(18).

crossing the north end of W. H. Bass's lot to George Ellis's west line, thence southward along said Ellis's west line to its intersection with East Main Street, thence westward along East Main Street to Tipton Street, the point of beginning, encompassing the business district of the City of Munford. (1984 Code, § 7-101)

7-102. Fire hydrant color coding. The following colors and gpm will apply to the City of Munford.

BLUE	1500 GPM or GREATER
GREEN	1000 - 1499 GPM
ORANGE	500 - 999 GPM
RED	LESS THAN 500 GPM

GPM = GALLONS PER MINUTE PSI = POUNDS PER SQUARE INCH
(Ord. #92-2, Feb. 1992)

CHAPTER 2**FIRE CODE**¹**SECTION**

7-201. Fire code adopted.

7-202. Modifications.

7-203. Violations.

7-204.--7-207. Deleted.

7-201. Fire code adopted. A certain document, one (1) copy of which are on file in the office of the city recorder of the City of Munford, Tennessee, being marked and designated as the International Existing Fire Code,² 2012 edition, including Appendix chapters (being none) (see International Existing Fire Code section 101.6, 2012 edition), as published by the International Code Council, be and is hereby adopted as the existing international fire code of the City of Munford, in the State of Tennessee for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, 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 existing fire code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 7-202. (1984 Code, § 7-201, modified, as amended by Ord. #2000-08-01, Aug. 2000, and replaced by Ord. #2009-05-01, April 2009, Ord. #2016-02-09, March 2016, and Ord. #2017-08-03, Sept. 2017)

7-202. Modifications. (1) The following sections are hereby revised:

Section 101.1. Insert: City of Munford

(2) Ordinance No. 2016-02-09 of City of Munford, Tennessee referencing the 2012 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The board of mayor and alderman hereby declares that it would have

¹Municipal code reference

Building, utility and residential codes: title 12.

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

passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(4) Nothing in this legislation or in the existing international fire code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (1984 Code, § 7-202, as replaced by Ord. #2000-08-01, Aug. 2000, deleted by Ord. #2009-05-01, April 2009, added by Ord. #2016-02-09, March 2016, and replaced by Ord. #2017-08-03, Sept. 2017)

7-203. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (1984 Code, § 7-203, as deleted by Ord. #2009-05-01, April 2009, and added by Ord. #2017-08-03, Sept. 2017)

7-204.--7-207. Deleted. (as deleted by Ord. #2009-05-01, April 2009)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

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

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen of the City of Munford. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen shall authorize. The chief shall have the authority to appoint subordinate officers and firemen authorized by the board of mayor and aldermen but all such appointments shall be confirmed and ratified by the board of mayor and aldermen before the appointment is effective. (1984 Code, § 7-301)

7-302. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1984 Code, § 7-303)

7-303. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1984 Code, § 7-304)

7-304. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

¹Municipal code reference

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

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1984 Code, § 7-302, modified)

7-305. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. (1984 Code, § 7-306, modified)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1984 Code, § 7-307)

CHAPTER 4**FIRE SERVICE OUTSIDE CITY LIMITS****SECTION**

7-401. Equipment to be used only within corporate limits generally.

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits of the City of Munford except and unless the fire is on city owned property or, in the opinion of the fire chief, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless, and only at such places authorized in writing by the board of mayor and aldermen. In those cases where such use is authorized in writing by the board of mayor and aldermen, said board may, at its discretion, establish a schedule of rates for such service. (1984 Code, § 7-308)

CHAPTER 5

FIREWORKS

SECTION

7-501. Limits on fireworks discharge.

7-502. Penalties.

7-501. Limits on fireworks discharge. The discharge of fireworks within the corporate limits of the City of Munford shall be limited to December 31, January 1st, and July 4th only. The discharge of fireworks shall be only allowed by persons over the age of 16 or accompanied by an adult over the age of 21. (Ord. #2000-01-01, Jan. 2000)

7-502. Penalties. Any person found guilty of violating the terms of this chapter shall be subject to having their fireworks confiscated and shall be subject to the maximum penalty allowed by the laws of the State of Tennessee. In addition, The police chief or his/her designees or the fire chief or his/her designees shall have authority to stop the discharge of fireworks if such activity presents a danger from fire due to combustibles (i.e. tall grass, accumulation, drought conditions, etc.) that may be near the discharge area. (Ord. #2000-01-01, Jan. 2000, as replaced by Ord. #2017-08-01, Sept 2017)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. BROWN BAGGING.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definition of alcoholic beverages.
- 8-102. Consumption of alcoholic beverages on-premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the city recorder.
- 8-105. Inspection fee.

8-101. Definition of alcoholic beverages. The term alcoholic beverage shall be the same definition appearing in Tennessee Code Annotated, § 57-3-101(1)(A). (1984 Code, § 2-101, as repealed and replaced by Ord. #2005-07-02, July 2005, and replaced by Ord. #2017-01, Aug. 2017)

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 any commercially zoned area in the corporate limits of Munford, Tennessee, except neighbor commercial. It is the intent of the of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Munford, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #2005-07-02, July 2005)

¹Municipal code reference

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

Minors in beer places: § 11-102.

State law reference

Tennessee Code Annotated, title 57.

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Munford 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 City of Munford on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #2005-07-02, July 2005)

8-104. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Munford shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payments shall be remitted on January 1st. 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. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #2005-07-02, July 2005)

8-105. Inspection fee. The City of Munford hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages and upon retail food store wine licensees located within the corporate limits of the city. (as added by Ord. #2016-02-01, March 2016)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and actions.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Classes of permits.
- 8-210. Sale of beer permitted only in specified zones.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-213. Prohibited conduct or activities by beer permit holders.
- 8-214. Suspension and revocation of beer permits.
- 8-215. Civil penalty in lieu of suspension.
- 8-216. Loss of clerk's certification for sale to minor.
- 8-217. Public notice.
- 8-218. Violations.
- 8-219. Standards of conduct on-premises of licensees.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the board. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

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 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 to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

¹State law reference

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

8-203. Record of beer board proceedings to be kept. The recorder shall 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. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-206. "Beer" defined. The term "beer" shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101 subsection (b). (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010, and Ord. #2017-07-02, Aug. 2017)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and 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 City of Munford. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). 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 1st to the City of Munford,

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. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-209. Classes of permits. There shall be three (3) classes of permits issued by the beer board, as follows:

(1) Class A. A manufacturer's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacturer, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer shall be defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacturing of beer.

(2) Class B. An "off-site" permit to applicants whose place of business is a grocery store or convenience type market in the commercial areas of the City of Munford. Grocery store shall be defined as any commercial establishment which derives seventy-five percent (75%) of its gross sales from the sale of food or food products that are to be prepared and consumed off the premises. Convenience type market shall be defined as any commercial establishment which sells gasoline and/or diesel fuel and bread, milk and canned foods used for human consumption.

(3) Class C. An "on-site" permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant shall be defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than forty percent (40%) of its gross sales is from the sale of beer and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least forty-eight (48) people at tables, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. If any such establishment for which two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding forty percent (40%) of its gross sales, the beer board shall conduct a hearing to determine if the on-site permit should be revoked or suspended for violation of this chapter. The City of Munford will require gross sales reports periodically to insure compliance with this chapter.

(4) A single permit may be issued for on premise and off premise consumption if all other requirements are met. (Ord. #98-01, March 1998, as replaced by Ord. #2002-09-03, Sept. 2002, and Ord. #2008-04-01, April 2010)

8-210. Sale of beer permitted only in specified zones. It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer in the City of Munford, Tennessee, provided that permits authorized by this chapter

shall be issued for locations that are now zoned or may be in the future zoned as follows:

- (1) Class A Permits: Zoning Districts/Commercial and Industrial
- (2) Class B Permits: Zoning Districts/Commercial
- (3) Class C Permits: Zoning Districts/Commercial (Ord. #98-01, March 1998, as amended by Ord. #98-01, April 1998, and replaced by Ord. #2002-09-03, Sept. 2002, and Ord. #2008-04-01, April 2010)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, religious institutions, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, religious institution or other place of public gathering if a valid permit has been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period.

- (1) Distance requirements for Class A permit. None.
- (2) Distance requirement for Class B permit. No permit will be issued to a grocery store or convenience type market if the store or market property line adjoins any hospital, school, religious institution or public gathering place. The only exception shall be the establishments that have a valid permit to sell beer at the time of annexation into the City of Munford.

- (3) Distance requirements for Class C permit. No permit for on-site consumption will be issued authorizing the sale or storage of beer within three hundred feet (300') of any hospital, school, religious institution or other public gathering place. The distances shall be measured in a straight line from the nearest corner of the hospital, school, religious institution or other public gathering place and the nearest corner of the structure where the beer is to be sold.

- (4) (a) Notwithstanding the provisions of § 8-211(3), establishments that have current valid permits from the State of Tennessee to sell liquor by the drink on-premises may apply for and be granted permits to sell beer for on-premises consumption, provided that they meet all other requirements for the beer permit.

- (b) If an establishment secures an on-premises beer permit issued pursuant to § 8-211(4)(a) above, that permit shall automatically terminate effective at the time the establishment ceases to maintain a current valid state license to sell liquor by the drink.

- (5) (a) Notwithstanding the provisions of § 8-211(2) and (3), establishments that have current valid permits from the State of Tennessee to sell wine in retail food stores may apply for and be granted

permits to sell beer for off-premises consumption, provided that they meet all other requirements for the beer permit.

(b) If an establishment secures an off-premises beer permit issued pursuant to § 8-211(5)(a) above, that permit shall automatically terminate effective at the time the establishment ceases to maintain a current valid state license to sell wine in retail food stores. (Ord. #98-01, March 1998, and Ord. #2002-09-03, Sept. 2002, as replaced by Ord. #2008-04-01, April 2010, and amended by Ord. #2016-02-01, March 2016)

8-212. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No persons, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within that past ten (10) years. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-213. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any 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 the sale of beer within the City of Munford, Tennessee between 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 12:00 noon on Sundays. All containers, glasses or other vessels of any type which have been used for serving and consumption of beer, shall be removed by licensee from the area or areas where the beer had been consumed and placed in areas not for access by patrons of the establishment no later than 3:15 A.M.

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

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

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

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

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage as defined by Tennessee Code Annotated, § 57-3-101(1)(A)

without having a valid liquor by the drink permit issued by the Tennessee Alcoholic Beverage Commission.

(9) Allow any loud, unusual, or obnoxious noises to emanate from his premises or from any adjacent building or property owned, leased, controlled or in the possession of the permit holder.

(10) When a minor is seated at a table, there shall be no beer served at that table unless such minor is accompanied by one (1) of his parents or a legal guardian, and then only if served in conjunction with food. (Ord. #98-01, March 1998, as amended by Ord. #2002-09-03, Sept. 2002, replaced by Ord. #2008-04-01, April 2010, and amended by Ord. #2017-07-01, Aug. 2017)

8-214. Suspension and revocation of beer permits. The beer board shall have the power to suspend, revoke, or place on probation with or without a civil penalty 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 or state law or whenever it shall satisfactorily appear that the premises of any person, firm, or corporation holding a permit under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety, and morals. Except as hereinafter provided, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by any member of the beer board or the chief of police. The beer permit holder must appear at the designated beer board hearing. Failure to appear may result in revocation of permit. The foregoing shall be in addition to any punishment imposed upon such holder by a court of law.

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 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. (Ord. #98-01, March 1998, as amended by Ord. #98-01, April 1998, and Ord. #2002-09-03, Sept. 2002, replaced by Ord. #2008-04-01, April 2010, and amended by Ord. #2010-04-01, April 2010)

8-215. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty, not to exceed the maximum allowed by the laws of the State of Tennessee, for each offense of making or permitting to be made any sales to minors or, a civil penalty, not to exceed the maximum allowed by the laws of the State of Tennessee, for any other offense. The beer board may impose on a responsible vendor a civil penalty, not to exceed the maximum allowed by the laws of the State of Tennessee, for each offense of making or permitting to be made any sales to minors or for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty the city may impose. (Ord. #98-01, March 1998, as amended by Ord. #98-01 Amendment, April 1998, and replaced by Ord. #2008-04-01, April 2010)

8-216. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period for one (1) year from the date of the beer board's determination. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-217. Public notice. Before the beer board shall issue a permit, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such permit and the date and the time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a published hearing for the purpose of hearing the statement of any person or his attorney on any application for license or permit. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-218. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty clause of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #2002-09-03, Sept. 2002, and replaced by Ord. #2008-04-01, April 2010)

8-219. Standards of conduct on-premises of licenses. (1) In addition to the other duties imposed by the beer board or by the city, it shall be the duty of said board to enforce the provisions of this section and revoke or suspend the beer permit of any person, business, firm, corporation, syndicate or associate, upon notice and hearing, for violation of the provisions of this section.

(2) The following acts or conduct have been declared contrary to public policy by the General Assembly of the State of Tennessee when such activities take place upon premises licensed by the alcoholic beverage commission; and the same are hereby declared to be against the public policy of the city, and therefore, no beer permit shall be held at any premises where such acts or conduct are permitted:

(a) To permit any employee or person to wear such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(b) To employ, use or allow the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (a).

(c) To encourage or permit any person on the premises of a permittee to touch, caress or fondle the breast, buttocks, anus or genitals of any other person.

(d) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(3) Acts or conduct on-premises licensed by the alcoholic beverage commission that have been deemed contrary to public policy by the General Assembly of the State of Tennessee are hereby declared against the public policy of the city, and therefore, no beer permit shall be held at any premises where such conduct or acts are permitted. Live entertainment is permitted on premises of a permittee except that:

(a) No permittee shall permit any person to perform acts of or acts which simulate:

(i) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(ii) The touching, caressing, or fondling of the breast, buttocks, anus or genitals.

(iii) The displaying of the pubic hair, anus, vulva or genitals.

(b) Subject to the provisions of subdivision (a) hereof, any entertainer who is employed in whole or in part of the permittee to dance at such permittee's premises shall perform only upon a stage at least

eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest patron.

(c) No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(d) No permittee shall permit any person to remain in or upon the premises who exposes to public view any portion of his or her genitals or anus.

(4) The following acts or conduct have been declared contrary to public policy by the General Assembly of the State of Tennessee when such activities take place upon premises licensed by the alcoholic beverage commission, and the same are hereby declared to be against the public policy of the city and therefore no beer permit shall be held at any premises where such conduct or acts are permitted: The showing of film, still pictures, electronic reproduction, or other visual reproduction depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above. (as added by Ord. #2008-04-01, April 2010)

CHAPTER 3

BROWN BAGGING

SECTION

8-301. Brown bagging prohibited.

8-302. Alcoholic beverages defined.

8-301. Brown bagging prohibited. No owner, operator or employee of any restaurant, club, or any other business of every kind and description, shall permit or allow any person to open, or to have open, or to consume inside or on the premises a bottle, can, flask or container of any kind or description, of alcoholic beverages without first obtaining a permit, from the State of Tennessee Alcoholic Beverage Commission, allowing liquor by the drink. (as added by Ord. #2002-09-05, Sept. 2002, and replaced by Ord. #2008-04-01, April 2010)

8-302. Alcoholic beverages defined. The term alcoholic beverage shall be the same definition appearing in Tennessee Code Annotated, § 57-3-101(1)(A). (as added by Ord. #2002-09-05, Sept. 2002, and replaced by Ord. #2008-04-01, April 2010, and Ord. #2017-07-01, Aug. 2017)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. CABLE TELEVISION.
6. SEXUALLY ORIENTED BUSINESS ORDINANCE.
7. YARD SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1984 Code, § 5-101)

¹Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Junkyards: title 13.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

9-201. Registration required.

9-202. Exemptions.

9-203. Registration process.

9-204. Exhibition of registration.

9-205. Use of streets.

9-206. Loud noises and speaking devices.

9-207. Expiration and renewal of registration.

9-201. Registration required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first registering therefor in compliance with the provisions of this chapter. (1984 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1984 Code, § 5-202)

9-203. Registration process. Every peddler, canvasser, solicitor or transient merchant shall register with the city recorder and treasurer on forms provided for that purpose by the city, and shall give the following information:

- (1) Name.
- (2) Complete permanent home and business address, the address at which the registrant is staying, and the local address from which sales will be made.
- (3) The license number of any vehicle being or to be used by the registrant whether used or to be used as the registrant's transportation or from which sales are to be made.
- (4) A brief description of the nature of the business and the goods to be sold.
- (5) The name and address of the employer including the registrant's immediate supervisor.
- (6) The length of time for which the right to do business is desired.

¹Municipal code reference
Privilege taxes: title 5.

(7) At the time of registering the registrant shall pay to the City of Munford a fee of fifty dollars (\$50.00) to cover the cost of registration.¹ (1984 Code, § 5-203, as amended by Ord. #2012-04-01, May 2012)

9-204. Exhibition of registration. Registrants are required to exhibit their registration certificates issued by the city recorder and treasurer at the request of any policeman or citizen. (1984 Code, § 5-204)

9-205. Use of streets. No registrant shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1984 Code, § 5-205)

9-206. Loud noises and speaking devices. No registrant, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such registrant proposes to sell. (1984 Code, § 5-206)

9-207. Expiration and renewal of registration. Registration under the provisions of this chapter shall expire on the same date that the registrants privilege license expires and shall be renewed without cost if the registrant applies for and obtains a new privilege license within thirty (30) days thereafter. Registration certificates issued to registrants who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1984 Code, § 5-207)

¹State law reference

Tennessee Code Annotated, §§ 62-30-101(3) and 67-4-709(a).

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. Permit required. (1) No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder and treasurer authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church.

(2) "Street" shall include the paved or unpaved surface of any street, road, highway or public place, the entire width of the public right-of-way extending laterally therefrom, dividers, medians, and abutting or adjoining sidewalks or other pedestrian pathways generally open to the public for pedestrian traffic. (1984 Code, § 5-301, as amended by Ord. #2007-08-01, Aug. 2007)

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1984 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1984 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1984 Code, § 5-304)

CHAPTER 4**TAXICABS¹****SECTION**

- 9-401. Taxicab permit and business license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Permit issued to owners only.
- 9-404. Granting of additional taxi service discretionary.
- 9-405. Hearing required for transfer of certificate.
- 9-406. Liability insurance or bond required.
- 9-407. Revocation or suspension of permit.
- 9-408. Mechanical condition of vehicles.
- 9-409. Cleanliness of vehicles.
- 9-410. Rates to be posted in cab.
- 9-411. Inspection of vehicles.
- 9-412. License and permit required for drivers.
- 9-413. Qualifications for driver's permit.
- 9-414. Revocation or suspension of driver's permit.
- 9-415. Drivers not to solicit business.
- 9-416. Parking restricted.
- 9-417. Drivers to use direct routes.
- 9-418. Taxicabs not to be used for illegal purposes.
- 9-419. Miscellaneous prohibited conduct by drivers.
- 9-420. Transportation of more than one passenger at the same time.
- 9-421. Board may amend rules and regulations.

9-401. Taxicab permit and business license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab permit from the recorder and has a currently effective business license. (Ord. #95-10, May 1995)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the recorder. The application shall state the name and address of the applicant, the name and address of the proposed taxicab stand (which must be located off the public streets and alleys), the number of cabs the applicant desires to operate, the make and models of said cabs, and such other pertinent information as the

¹Municipal code reference
Privilege taxes: title 5.

recorder may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. The recorder will immediately refer the application to the chief of police who will, within ten (10) days after receipt of such application, make a thorough investigation of the applicant; return the application to the recorder; and make a recommendation to either grant or refuse a permit to the applicant. The City of Munford shall thereupon hold a public hearing at which time witnesses for and against the granting of the permit shall be heard. In deciding whether or not to grant the permit the city shall consider the public need for the service, the increased traffic congestion, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such taxicab permit. Those persons already operating taxicabs when these provisions are adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (Ord. #95-10, May 1995)

9-403. Permit issued to owners only. No permit for the operation of such vehicle under the provisions of this chapter shall be granted to any person unless such person shall be the bona fide owner of such vehicle and, at the time of the issuance of such permit, such person so applying shall deposit with the city clerk a photostatic or true copy of the certificate of title. (Ord. #95-10, May 1995)

9-404. Granting of additional taxi service discretionary. (1) In determining whether public convenience and necessity require the licensing of any additional companies or additional vehicles for companies now operating, the board of mayor and aldermen will take into consideration whether the demands of the public require such proposed or additional service and, in addition to the other requirements of this chapter, there shall be taken into consideration the increased traffic congestion and demand for increased parking space upon the streets of the city which may result, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such additional permits.

(2) No person who may be granted a permit shall be allowed to increase the number of vehicles therein designated or to enlarge upon the authority granted to him by such permit, but every increase in the number of vehicles operated shall be subject to the approval of the board of mayor and aldermen in the same manner and to the same extent as is herein provided for the original issuance of the permit.

(3) In case any vehicle licensed under the provisions of this chapter should be retired by the owner because it is worn out or damaged, or not worthy of repair, no other vehicle shall be put in its place by the owner without compliance with § 9-403 hereof, but a public hearing in this event shall be dispensed with. (Ord. #95-10, May 1995)

9-405. Hearing required for transfer of certificate. No permit of public convenience and necessity granted under the provisions of this chapter shall be assigned, transferred or alienated to any person except after public hearing before the board of mayor and aldermen as herein before prescribed, and if at such hearing it is found that public convenience and necessity warrants the transfer, the transferee shall be issued a permit of public convenience and necessity as in case of original application, and the transferor's permit voided. (Ord. #95-10, May 1995)

9-406. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's Tort Liability Law as set out in Tennessee Code Annotated, § 29-20-311, 403. The following caps, or minimum coverage amounts, apply to actions arising after July 1, 1987:

(1) Minimum limits of not less than \$130,000 for bodily injury or death of any one person in any one accident, occurrence, or act;

(2) Not less than \$350,000 for bodily injury or death of all persons in any one accident, occurrence, or act;

(3) In cases arising out of owning, maintaining, and using automobiles, to a limit of not less than \$50,000 for injury to or destruction of property of others in any one accident, occurrence, or act; and

(4) A minimum limit of \$50,000, except as provided above, for injury to or destruction of property of others in any one accident.) The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the city. (Ord. #95-10, May 1995)

9-407. Revocation or suspension of permit. The City of Munford may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (Ord. #95-10, May 1995)

9-408. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (Ord. #95-10, May 1995)

9-409. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (Ord. #95-10, May 1995)

9-410. Rates to be posted in cab. Rates shall be conspicuously posted in each and every cab so as to be readily seen by passengers riding in the rear seat thereof, and the name of the person or company owning the cab shall be clearly designated on the outside of the cab. Taxicab owner shall furnish to the city a schedule of rates and how rates are to be computed. (Ord. #95-10, May 1995)

9-411. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. If deemed necessary by the chief of police, taxicab owner shall be required to have vehicle inspected by a local reputable mechanic. (Ord. #95-10, May 1995)

9-412. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license (Class D with F endorsement) and a taxicab driver's permit issued by the recorder. (Ord. #95-10, May 1995)

9-413. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the recorder:

- (1) Makes written application to the recorder.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (Ord. #95-10, May 1995)

9-414. Revocation or suspension of driver's permit. The City of Munford may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-413. (Ord. #95-10, May 1995)

9-415. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (Ord. #95-10, May 1995)

9-416. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonable interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (Ord. #95-10, May 1995)

9-417. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (Ord. #95-10, May 1995)

9-418. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (Ord. #95-10, May 1995)

9-419. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use illegal drugs; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet, and tranquility of the city in any way. (Ord. #95-10, May 1995)

9-420. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (Ord. #95-10, May 1995)

9-421. Board may amend rules and regulations. The board of mayor and aldermen is entitled to make and enforce such additional rules as that body deems proper to regulate the operation of motor vehicles transporting persons for compensation, provided no regulation shall be made or enforced in conflict with this or any other chapter of the Munford Municipal Code. (Ord. #95-10, May 1995)

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television shall be furnished to the city and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the city and its inhabitants and the grantees of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹ (1984 Code, § 13-301)

¹For complete details relating to the cable television franchise agreement see Ord. #83-1 in the office of the city recorder.

CHAPTER 6

SEXUALLY ORIENTED BUSINESS ORDINANCE

SECTION

- 9-601. Purpose and findings.
- 9-602. Definitions.
- 9-603. Classification.
- 9-604. License required.
- 9-605. Issuance of license.
- 9-606. Fees.
- 9-607. Inspection.
- 9-608. Expiration of license.
- 9-609. Suspension.
- 9-610. Revocation.
- 9-611. Judicial review.
- 9-612. No transfer of license.
- 9-613. Location restrictions.
- 9-614. Non-conforming uses; amortization.
- 9-615. Additional regulations for adult motels.
- 9-616. Additional regulations for escort agencies.
- 9-617. Additional regulations for nude model studios.
- 9-618. Additional regulations concerning public nudity.
- 9-619. Regulations pertaining to exhibition of sexually explicit films and videos.
- 9-620. Exterior portions of sexually oriented businesses.
- 9-621. Signage.
- 9-622. Sale, use, or consumption of alcoholic beverages prohibited.
- 9-623. Persons younger than eighteen prohibited from entry; attendant required.
- 9-624. Massage or baths administered by person of opposite sex.
- 9-625. Hours of operation.
- 9-626. Exemptions.
- 9-627. Notices.
- 9-628. Injunction.

9-601. Purpose and findings. (1) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually

oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

(2) Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the city board, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, Ky*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington,*, 65 F.3d 1248 (5th Cir.1995); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984), as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the city board finds that:

(a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.

(b) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. *See, e.g.*, Studies of the cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.

(c) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. *See, e.g.*, *California v. LaRue*, 409 U.S. 109, 111 (1972); *See also* Final Report of the Attorney General's Commission on Pornography (1986) at 377.

(d) Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

(e) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented businesses. *See, e.g., Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 698 (1986); *see also* Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

(f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. *See, e.g., Study of Fort Meyers, Florida.*

(g) For the period 1985 through 1995, the total number of reported cases of AIDS in the United States caused by the immunodeficiency virus (HIV) was 523,056. *See, e.g., Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*

(h) As of February, 1999, there have been 8203 reported cases of AIDS in the State of Tennessee.

(i) Since 1981 and to the present, there has been an increasing cumulative number of persons testing positive for HIV antibody test in the State of Tennessee.

(j) The total number of cases of early (less than one year) syphilis in the United States reported during the ten year period 1985-1995 was 367,796. *See, e.g., Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*

(k) The number of cases of gonorrhea in the United States reported annually remains at a high level, with a total of 1,250,581 cases reported during the period 1993-1995. *See, e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*

(l) The surgeon general of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn.

(m) According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. *See, e.g. Findings of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*

(n) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate

those activities and maintain those facilities. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 377.

(o) Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where persons view "adult" oriented films. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 377.

(p) Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g.*, *Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).

(q) Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. *See, e.g.*, *Kev, Inc. v. Kitsap County*, 793 F.2d 1053, 1056 (9th Cir.1986).

(r) The findings noted in paragraphs numbered (a) through (q) raise substantial governmental concerns.

(s) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(t) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of the sexually oriented businesses. Further, such licensing procedure will place a heretofore non-existent incentive on operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(u) Removal of doors on adult booths and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.

(v) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and criminal activity.

(w) It is desirable, in the prevention of the spread of communicable diseases, to obtain a limited amount of information regarding certain employees who may engage in the conduct this ordinance is designed to prevent, or who are likely to be witnesses to such activity.

(x) The fact that an applicant for a sexually oriented business license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this ordinance.

(y) The barring of such individuals from operation or employment in sexually oriented businesses for a period of five (5) years for a previous felony conviction serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(z) The general welfare, health, morals, and safety of the citizens of this city will be promoted by the enactment of this ordinance.

9-602. Definitions. (1) "Arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) "Adult bookstore" or "adult video store" means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or

(b) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "adult bookstore" or "adult video store." Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

(3) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

(a) Persons who appear in a state of nudity or semi-nudity; or

(b) Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(d) Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

(4) "Adult motel" means a hotel, motel or similar commercial establishment that:

(a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or

(b) Offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or

(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

(5) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) "Director" means the city manager or such persons as he may designate to perform the duties of the director under this ordinance.

(8) "Employee" means a person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

(9) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(10) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(11) "Establishment" means and includes any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(c) The additions of any sexually oriented business to any other existing sexually oriented business; or

(d) The relocation of any sexually oriented business; or

(e) A sexually oriented business or premises on which the sexually oriented business is located.

(12) "Licensed day-care center" means a facility licensed by the State of Tennessee, whether situated within the city or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

(13) "Licensee" means a person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

(14) "Nude model studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

(15) "Nudity" or a "state of nudity" means the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

(16) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(17) "Premises" means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Section IV of this ordinance;

(18) "Semi-nude" or "semi-nudity" means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female

breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(19) "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

(20) "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(21) "Specified anatomical areas" means:

(a) The human male genitals in a discernibly turgid state, even if fully and opaquely covered;

(b) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

(22) "Specified criminal activity" means any of the following offenses:

(a) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.

(b) For which:

(i) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;

(iii) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period;

(c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

(23) "Specified sexual activities" means and includes any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

(24) "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas exist on May 1, 1999.

(25) "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

(a) The sale, lease, or sublease of the business;

(b) The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

9-603. Classification. Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Escort agencies;
- (8) Nude model studios; and
- (9) Sexual encounter centers.

9-604. License required. (1) It shall be unlawful:

(a) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the director pursuant to this ordinance;

(b) For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the

sexually oriented business, if such employee is not in possession of a valid sexually oriented business employee license issued to such employee by the director pursuant to this ordinance;

(c) For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the director pursuant to this ordinance.

(d) It shall be a defense to subsections (b) and (c) of this section if the employment is of limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises. Violation of any provision within this subsection shall constitute a misdemeanor.

(2) An application for a sexually oriented business license must be made on a form provided by the city. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Prior to issuance of a license, the premises must be inspected by the health department, fire department, building department, and zoning department.

(3) An application for a sexually oriented business employee license must be made on a form provided by the city.

(4) All applicants for a license must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide, such information (including fingerprints) as to enable the city to determine whether the applicant meets the qualifications established under this ordinance. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

(5) If a person who wishes to own operate a sexually oriented business is an individual, he must sign the application for a business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10%) percent or greater interest in the business must sign the application for a business license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten (10%) percent or greater interest in the corporation must sign the application for a business license as applicant.

(6) Applications for a business license, whether original or renewal, must be made to the director by the intended operator of the enterprise. Applications must be submitted to the office of the director or the director's designee during regular working hours. Application forms shall be supplied by the director. The following information shall be provided on the application form:

- (a) The name, street address (and mailing address if different) of the applicant(s);
- (b) A recent photograph of the applicant(s);
- (c) The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number;
- (d) The name under which the establishment is to be operated and a general description of the services to be provided;
 - (i) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state
 - (A) The sexually oriented business's fictitious name and
 - (B) Submit the required registration documents;
- (e) Whether the applicant, or a person residing with the applicant, has been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in § 9-602 subsection (22), and, if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each;
- (f) Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;
- (g) Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;
- (h) The single classification of license, as found in § 9-603, for which the applicant is filing;
 - (i) The telephone number of the establishment;
 - (j) The address and legal description of the tract of land on which the establishment is to be located;
 - (k) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is

sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;

(l) If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;

(m) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in § 9-619.

(7) Each application for a business license shall be accompanied by the following:

(a) Payment of the application fee in full;

(b) If the establishment is a [State of Tennessee] corporation, a certified copy of the articles of incorporation, together with all amendments thereto;

(c) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;

(d) If the establishment is a limited partnership formed under the laws of the State of Tennessee, a certified copy of the certificate of limited partnership, together with all amendments thereto;

(e) If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;

(f) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;

(g) If the persons identified as the fee owner(s) of the tract of land in item (f) is not also the owner of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the tract or portion thereof that is to be used for the sexually oriented business;

(h) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor

depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, public park or recreation area, or family-oriented entertainment business within 1,500 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted;

(i) Any of items (b) through (h) above shall not be required for a renewal application if the applicant states that the documents previously furnished to the director with the original application or previous renewals thereof remain correct and current.

(8) Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made to the director by the person to whom the employee license shall issue. Each application for an employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the director. Applications must be submitted to the office of the director or the director's designee during regular working hours. Each applicant shall be required to give the following information on the application form:

(a) The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases;

(b) Age, and date and place of birth;

(c) Height, weight, hair color, and eye color;

(d) Present residence address and telephone number;

(e) Present business address and telephone number;

(f) Date, issuing state, and number of photo driver's license, or other state issued identification card information;

(g) Social Security Number; and

(h) Proof that the individual is at least eighteen (18) years old.

(9) Attached to the application form for a license shall be the following:

(a) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police or sheriffs department. Any fees for the photographs and fingerprints shall be paid by the applicant.

(b) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the

reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

(c) A statement whether the applicant has been convicted, or is awaiting trial on pending charges, of a “specified criminal activity” as defined in § 9-602, subsection (22) and, if so, the “specified criminal activity” involved, the date, place and jurisdiction of each.

(10) Every application for a license shall contain a statement under oath that:

(a) The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and,

(b) The applicant has read the provisions of this article.

(11) A separate application and business license shall be required for each sexually oriented business classification as set forth in § 9-603.

(12) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business or employee license.

9-605. Issuance of license. (1) Upon the filing of an application for a sexually oriented business employee license, the director shall issue a temporary license to said applicant. The application shall then be referred to the appropriate city departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (30) days from the date of the completed application. After the investigation, the director shall issue an employee license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(a) The applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(b) The applicant is under the age of eighteen (18) years;

(c) The applicant has been convicted of a “specified criminal activity” as defined in § 9-602, subsection (22) of this ordinance;

(d) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this ordinance; or

(e) The applicant has had a sexually oriented business employee license revoked by the city within two (2) years of the date of the current application.

If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as forth in subsection (9) of this section.

(2) A license issued pursuant to subsection (1) of this section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The employee shall keep the license on his or her person at all times while engaged in employment or performing services on the sexually oriented business premises so that said license may be available for inspection upon lawful request.

(3) A license issued pursuant to subsection (1) of this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Director that the applicant has not been convicted of any “specified criminal activity” as defined in this ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in § 9-606. Non-renewal of a license shall be subject to appeal as set forth in subsection (9) of this section.

(4) If application is made for a sexually oriented business license, the director shall approve or deny issuance of the license within forty-five (45) days of receipt of the completed application. The director shall issue a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(a) An applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(b) An applicant is under the age of eighteen (18) years;

(c) An applicant or a person with whom the applicant is residing has been denied a license by the city to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;

(d) An applicant or a person with whom the applicant is residing is overdue in payment to the city in taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business;

(e) An applicant or a person with whom the applicant is residing has been convicted of a “specified criminal activity” as defined in § 9-602, subsection (22);

(f) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building department as being in compliance with applicable laws and ordinances;

(g) The license fee required under this ordinance has not been paid;

(h) An applicant of the proposed establishment is in violation of or is not in compliance with one or more of the provisions of this ordinance.

(5) A license issued pursuant to subsection (4) of this section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the § 9-603 classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(6) The health department, fire department, building department and zoning department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the completed application by the director. The certification shall be promptly presented to the director.

(7) A sexually oriented business license shall issue for only one classification, as set forth in § 9-603.

(8) In the event that the director determines that an applicant is not eligible for a sexually oriented business license, the applicant shall be given notice in writing of the reasons for the denial within forty five (45) days of the receipt of the completed application by the director, provided that the applicant may request, in writing at any time before the notice is issued, that such period be extended for an additional period of not more than ten (10) days in order to make modifications necessary to comply with this ordinance.

(9) An applicant may appeal the decision of the director regarding a denial to the city board by filing a written notice of appeal with the city secretary within fifteen (15) days after service of notice upon the applicant of the director's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The director may, within fifteen (15) days of service upon him of the applicant's memorandum, submit a memorandum in response to the memorandum filed by the applicant on appeal to the city board. After reviewing such memoranda, as well as the director's written decision, if any, and exhibits submitted to the director, the city board shall vote either to uphold or overrule the director's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the city secretary receives the notice of appeal. However, all parties shall be required to comply with the director's decision during the pendency of the appeal. Judicial review of a denial by the director and city board may be made pursuant to § 9-611 of this ordinance.

(10) A license issued pursuant to subsection (4) of this section shall be subject to annual renewal upon the written application of the applicant and a finding by the director that the applicant has not been convicted of any "specified criminal activity" as defined in this ordinance, or committed any act during the existence of the previous license which would be grounds to deny the

initial license application. The decision whether to renew a license shall be made within thirty (45) days of the completed application. The renewal of a license shall be subject to the fee as set forth in § 9-606.

9-607. Fees. The annual fee for a sexually oriented business license, whether new or renewal, is five hundred (\$500.00) dollars. The annual fee for a sexually oriented business employee license, whether new or renewal, is fifty dollars (\$50.00). These fees are to be used to pay for the cost of the administration and enforcement of this chapter.

9-608. Inspection. (1) An applicant or licensee shall permit representatives of the police department, sheriffs department, health department, fire department, building department, or other city or state departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is open for business.

(2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he/she refuses to promptly permit such lawful inspection of the premises.

9-608. Expiration of license. (1) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in § 9-604. Application for renewal should be made at least forty-five (45) days before the expiration date. When application is made less than forty-five (45) days before the expiration date, the expiration of the license will not be affected.

(2) When the director denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial.

9-609. Suspension. The director shall suspend a license for a period not to exceed thirty (30) days if he determines that licensee or an employee of licensee has:

- (1) Violated or is not in compliance with any section of this ordinance;
- (2) Operated or performed services in a sexually oriented business while intoxicated by the use of alcoholic beverages or controlled substances;
- (3) Refused to allow prompt inspection of the sexually oriented business premises as authorized by this ordinance;
- (4) With knowledge, permitted gambling by any person on the sexually oriented business premises.

9-610. Revocation. (1) The director shall revoke a license if a cause of suspension in § 9-609 occurs and the license has been suspended within the proceeding twelve (12) months.

(2) The director shall revoke a license if he determines that:

(a) A licensee gave false or misleading information in the material submitted during the application process;

(b) A licensee, or a person with whom the licensee is residing, was convicted of a “specified criminal activity” on a charge that was pending prior to the issuance of the license;

(c) A licensee has, with knowledge, permitted the possession, use, or sale of controlled substances on the premises;

(d) A licensee has, with knowledge, permitted the sale, use, or consumption of alcoholic beverages on the premises;

(e) A licensee has, with knowledge, permitted prostitution on the premises;

(f) A licensee has, with knowledge, operated the sexually oriented business during a period of time when the licensee's license was suspended;

(g) A licensee has, with knowledge, permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises;

(h) A licensee is delinquent in payment to the city or state for any taxes or fees;

(i) A licensee has, with knowledge, permitted a person under eighteen (18) years of age to enter the establishment; or

(j) A licensee has attempted to sell his business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a non-licensee of the establishment;

(k) A licensee has, with knowledge, permitted a person or persons to engage in specified sexual activities on the premises of the sexually oriented business.

(3) When the director revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation became effective.

9-611. Judicial review. After denial of an initial or renewal application by the director and city board, or suspension or revocation of a license by the director, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

9-612. No transfer of license. A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

9-613. Location restrictions. Sexually oriented businesses shall be permitted in any commercial district provided that:

- (1) The sexually oriented business may not be operated within:
- (a) 1,000 feet of a church, synagogue or regular place of religious worship;
 - (b) 1,000 feet of a public or private elementary or secondary school;
 - (c) 1,000 feet of a boundary of any residential district;
 - (d) 1,000 feet of a public park;
 - (e) 1,000 feet of a licensed day-care center;
 - (f) 1,000 feet of an entertainment business that is oriented primarily towards children or family entertainment; or
 - (g) 1,000 feet of another sexually oriented business.

(2) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business that is classified in accordance with § 9-603.

(3) For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center, or child or family entertainment business.

(4) For purposes of subsection (3) of this section, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

9-614. Non-conforming uses; amortization. (1) Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.

(2) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, residential district,

or child or family entertainment business within one thousand, five hundred (1,500) feet of the sexually oriented business. This provision applies only to the renewal of a valid business license, and does not apply when an application for a business license is submitted after a business license has expired or has been revoked.

9-615. Additional regulations for adult motels. (1) Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this chapter.

(2) It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise that does not have a sexually oriented business license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

(3) For purposes of subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(4) Violation of subsection (2) of this section shall constitute a misdemeanor.

9-616. Additional regulations for escort agencies. (1) An escort agency shall not employ any person under the age of 18 years.

(2) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

(3) Violation of this section shall constitute a misdemeanor.

9-617. Additional regulations for nude model studios. (1) A nude model studio shall not employ any person under the age of 18 years.

(2) A person under the age of 18 years commits a misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to the public view or visible by any other person.

(3) A person commits a misdemeanor if the person appears in a state of nudity, or with knowledge, allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(4) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

9-618. Additional regulations concerning public nudity. (1) It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a state of nudity in a sexually oriented business, or depicts specified sexual activities in a sexually oriented business.

(2) It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a semi-nude condition on the sexually oriented business premises, unless the person is an employee who, while semi-nude, is at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.

(3) It shall be a misdemeanor for an employee, while semi-nude on the sexually oriented business premises, to solicit any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude.

(4) It shall be a misdemeanor for an employee, while semi-nude, to touch a patron or the clothing of a patron, or for a patron to touch a semi-nude employee or the clothing of a semi-nude employee, while said employee is on the premises of the sexually oriented business.

9-619. Regulations pertaining to exhibition of sexually explicit films and videos. (1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction, that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since said diagram was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the director or his designee.

(d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (e) of this section remains unobstructed at all times. No doors, walls, partitions, curtains, merchandise, display racks, or other object(s) shall obstruct from view of the manager's station any portion of the premises to which patrons have access. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted, as designated in the application filed pursuant to subsection (a) of this section.

(g) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candle as measured at the floor level.

(h) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(i) No viewing room or booth may be occupied by more than one person at any time.

(j) No opening of any kind shall exist between viewing rooms or booths.

(k) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booths or rooms,

and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.

(l) The operator of the sexually oriented business shall, each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

(m) The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(n) The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

(2) A person having a duty under subsections (a) through (n) of this section commits a misdemeanor if he/she, with knowledge, fails to fulfill that duty.

9-620. Exterior portions of sexually oriented businesses. (1) It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

(2) It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

(3) It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

(a) The establishment is a part of a commercial multi-unit center; and

(b) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(4) Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

(5) A violation of any provision of this section shall constitute a misdemeanor.

9-621. Signage. (1) Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually

oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.

(2) Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

- (a) Not contain any flashing lights;
- (b) Be a flat plane, rectangular in shape;
- (c) Not exceed seventy-five (75) square feet in area;
- (d) Not exceed ten (10) feet in height or ten (10) feet in length.

(3) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

(4) Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

(5) Secondary signs shall have only one (1) display surface. Such display surface shall:

- (a) Be a flat plane, rectangular in shape;
- (b) Not exceed twenty (20) square feet in area;
- (c) Not exceed five (5) feet in height and four (4) feet in width;

and

- (d) Be affixed or attached to any wall or door of the enterprise.

(6) The provisions of item (a) of subsection (2) and subsection (3) and (4) shall also apply to secondary signs.

(7) Violation of any provision of this section shall constitute a misdemeanor.

9-622. Sale, use, or consumption of alcoholic beverages prohibited. (1) The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

(2) Any violation of this section shall constitute a misdemeanor.

9-623. Persons younger than eighteen prohibited from entry; attendant required. (1) It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

(2) It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business's regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented

business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

- (a) A valid operator's, commercial operator's, or chauffeur's driver's license; or
 - (b) A valid personal identification certificate issued by the State of Tennessee reflecting that such person is eighteen (18) years of age or older.
- (3) Violation of this section shall constitute a misdemeanor.

9-624. Massages or baths administered by person of opposite sex.

It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex. Violation of this section shall constitute a misdemeanor.

9-625. Hours of operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and one o'clock (1:00) A.M. and twelve o'clock (12:00) P.M. on Sundays.

9-626. Exemptions.

It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the State of Tennessee, a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

9-627. Notices.

(1) Any notice required or permitted to be given by the director or any other city office, division, department or other agency under this ordinance to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the director or his designee shall cause it to be posted at the principal entrance to the establishment.

(2) Any notice required or permitted to be given to the director by any person under this ordinance shall not be deemed given until and unless it is received in the office of the director.

(3) It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the director in writing of any change of residence or mailing address.

9-628. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid business license, or in violation of § 9-613 of this chapter, is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

CHAPTER 7

YARD SALES

SECTION

- 9-701. Definitions.
- 9-702. Property permitted to be sold.
- 9-703. Permit required.
- 9-704. Permit procedure.
- 9-705. Permit conditions.
- 9-706. Hours of operation.
- 9-707. Exceptions.
- 9-708. Display of sale property.
- 9-709. Display of permit.
- 9-710. Advertising.
- 9-711. Persons exempted from chapter.
- 9-712. Violations and penalty.

9-701. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage 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 ordinance,¹ 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.

(2) "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. (as added by Ord. #2002-08-02, Aug. 2002)

9-702. 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. (as added by Ord. #2002-08-02, Aug. 2002)

¹Municipal code reference

Zoning ordinance: title 14, chapter 2.

9-703. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the police department. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location. (as added by Ord. #2002-08-02, Aug. 2002)

9-704. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the police department 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 garage 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 garage 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.

(f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Issuance of permit. Upon the applicant complying with the terms of this chapter, the police department shall issue a permit. (as added by Ord. #2002-08-02, Aug. 2002)

9-705. Permit conditions. The permit shall set forth and restrict the time and location of such garage/yard sale. No more than four (4) 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. (as added by Ord. #2002-08-02, Aug. 2002, and replaced by Ord. #2017-08-02, Sept. 2018)

9-706. Hours of operation. Garage sales shall be limited to no more than 6:00 A.M. to 6:00 P.M. on three (3) consecutive days. (as added by Ord. #2002-08-02, Aug. 2002)

9-707. Exceptions. (1) If sale not held because of inclement weather. If a garage 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 police department shall issue another permit to the applicant for a garage sale

to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

(2) Fourth sale permitted. A fourth garage 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 police department.

(3) Community subdivision, and/or block sales. There shall be at least 10 homeowners participating. Only one permit is required. There shall be a limit of only two per year. (as added by Ord. #2002-08-02, Aug. 2002)

9-708. 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 garage 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. (as added by Ord. #2002-08-02, Aug. 2002)

9-709. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official. (as added by Ord. #2002-08-02, Aug. 2002)

9-710. Advertising. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed each day at the close of the garage sale activities. (as added by Ord. #2002-08-02, Aug. 2002)

9-711. 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 City of Munford, 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. (as added by Ord. #2002-08-02, Aug. 2002)

9-712. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to the maximum penalty allowance by the laws of the State of Tennessee. (as added by Ord. #2002-08-02, Aug. 2002)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.
- 10-109. Exceptions pertaining to domesticated female chickens.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1984 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1984 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1984 Code, § 3-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1984 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1984 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1984 Code, § 3-106)

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

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1984 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1984 Code, § 3-108)

10-109. Exceptions pertaining to domesticated female chickens. Notwithstanding the provisions of §§ 10-101 10-108 above, or any applicable zoning restrictions pertaining to the same, the keeping of domesticated female

chickens may be permitted subject to the following restrictions, prohibitions, and conditions:

Permits available at the office of the City of Munford Building/Code Department, 1397 Munford Ave., Munford, Tennessee, 38058.

(1) The issuance of a permit does not create a vested right of renewal of the permit beyond the stated item therefor.

(2) Each parcel shall contain one (1) single family dwelling and must have a minimum lot size of eight thousand (8,000) square feet and will only be allowed in the residential zoned districts of R-1 and R-2 only.

(3) All pens must be at least five feet (5') from the property lines and no closer than fifty feet (50') from any adjacent principal structure, nor situated on an adjacent parcel, other than that of the owner of the domesticated female chickens. Portable pens shall be periodically rotated throughout the rear yard.

(4) Domesticated female chickens shall not be allowed to roam free unless attended and in the rear yard. If a parcel is (4) four acres or larger, chickens may roam free if all distance requirements listed in subsection(3) are being met.

(5) The maximum number of domesticated female chickens permitted is based on lot size:

Zoned R-2 (must be a minimum of 8,000 sq. feet)	06 chickens
Zoned R-1 (lot size of 8,000 -12,500 sq. feet)	06 chickens
12,500 sq. feet - (1) one acre	12 chickens
(1) one acre - (4) four acres	16 chickens
(4) four acres and above	30 chickens

(6) Domesticated female chickens shall be kept in an enclosed secure area when not attended. Pens shall include a coop (enclosed structure) containing a minimum of four (4) square feet per domesticated female chicken and an open run area containing a minimum of eight (8) square feet per domesticated female chicken. Pens may be portable.

(7) All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure.

(8) The owner of the domesticated female chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Domesticated female chickens found to be infested with insects and parasites that result in unhealthy conditions may require removal.

(9) All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors.

(10) The coop and pen shall be free from accumulation of animal excretion and objectionable odors. All droppings and body excretions shall be placed in a fly proof container (such refuse shall not be placed in containers for

city solid waste collection). All manure not used for composting or fertilizing shall be removed promptly. Odors from fowl, droppings, or other fowl-related substances shall not be detectable at the property boundaries.

(11) All pens shall be located in the rear yard only.

(12) All pens shall be located away from any drainage areas that could allow fecal matter to enter a storm drainage system or stream. Disposal of litter, waste, and dead chickens on public land or in the sewage or storm water collection system is strictly prohibited.

(13) All feed or other material intended for consumption by the domesticated female chickens shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents.

(14) Adequate shelter, care and control of the domesticated female chickens is required. Any person allowed to keep domesticated female chickens under this section shall comply with all of the provisions and requirements of the city and state code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the city, and shall be kept in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(15) Domesticated female chickens shall be kept for the household's personal consumption only. Commercial use, such as selling eggs or meat from residences, shall be prohibited. Excess eggs may be given to friends and family or sold at farmer's market where allowed.

(16) There shall be no slaughtering or processing of domesticated female chickens except in the rear yard and must be out of the view of neighboring residences.

(17) Roosters shall not be permitted.

(18) Any city law enforcement officer, and/or city department of building and codes official or his/her designee, is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the applicant or property owner so charged listed on permit application, if they cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in city court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for violation of any of the provisions of this chapter shall be tried in the city court. The city court judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, up to the maximum allowed by state law. Each day of violation shall be deemed a separate violation.

(19) If an existing permit is ever revoked or the caring for domesticated female chickens ever ceases the pen and coop shall be removed from the property.

(20) The permit cannot be transferred or assigned to any other person. A permit shall expire upon the sale or other transfer of the property, or if the permit holder ceases to reside at the property for which the permit was granted.

(21) It shall be unlawful for the owners or others having care and custody of any domesticated female chickens to permit same to be at large on any private property, including that of the owners or those having the care and custody of same, or on any public street, highway, alley, park, and other public places and ways within the city. (as added by Ord. #2016-08-01, Sept. 2016)

CHAPTER 2

DOGS

SECTION

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

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1984 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1984 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1984 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1984 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1984 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of

¹State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1984 Code, § 3-206)

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

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1984 Code, § 3-207)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1984 Code, § 10-229)

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1984 Code, § 10-234)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1984 Code, § 10-202)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

(c) Yelling, shouting, 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 persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

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

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

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1984 Code, § 10-233)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-401. Escape from custody or confinement.
- 11-402. Impersonating a government officer or employee.
- 11-403. False emergency alarms.
- 11-404. Resisting or interfering with city personnel.
- 11-405. Coercing people not to work.

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1984 Code, § 10-209)

11-402. Impersonating a government officer or employee. No person other than an official police officer of the City of Munford shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1984 Code, § 10-211)

11-403. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1984 Code, § 10-217)

11-404. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the City of Munford while such officer or employee is performing or attempting to perform his municipal duties. (1984 Code, § 10-210)

11-405. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1984 Code, § 10-230)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1984 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1984 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1984 Code, § 10-212)

CHAPTER 6

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

SECTION

11-601. Trespassing.

11-602. Malicious mischief.

11-603. Interference with traffic.

11-604. Basketball goals alongside or within public rights-of-way.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1984 Code, § 10-226)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1984 Code, § 10-225)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1984 Code, § 10-232)

11-604. Basketball goals alongside or within public rights-of-way.

(1) No portable or fixed basketball goal or other athletic equipment shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Munford so as to allow a person or persons to play within the street. The placement of any basketball goal or other athletic equipment within a public right-of-way or the presence of persons within a public street playing on or with such equipment shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine up to the maximum allowed by city and state laws. (as added by Ord. #2004-07-03, July 2004)

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Abandoned refrigerators, etc.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices, etc.

11-704. Curfew for minors.

11-705. Wearing masks.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1984 Code, § 10-223)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1984 Code, § 10-231)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1984 Code, § 10-227)

11-704. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1984 Code, § 10-224)

11-705. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1984 Code, § 10-235)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. RESIDENTIAL CODE.
5. ENERGY CONSERVATION CODE.
6. MECHANICAL CODE.
7. FUEL GAS CODE.
8. EXISTING BUILDING CODE.
9. AMERICAN STANDARD ICC/ANSI CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
12-102. Modifications.
12-103.--12-105. Deleted.

12-101. Building code adopted. A certain document, one (1) copy of which is on file in the office of the city recorder of the City of Munford, Tennessee, being marked and designated as the International Building Code,² 2012 edition, including appendix chapters (none) (see International Building Code section 101.2.1, 2012 edition), as published by the International Code Council, be and is hereby adopted as the building code of the City of Munford, in the State of Tennessee 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

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such 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 building code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-102. (1984 Code, § 4-101, modified, as amended by Ord. #2000-08-01, Aug. 2000, and replaced by Ord. #2009-05-01, April 2009, and Ord. 32016-02-03, March 2016)

12-102. Modifications. (1) The following sections are hereby revised:

Section 101.1. Insert: City of Munford

Section 1612.3. Insert: City of Munford

Section 1612.3. Insert: October 21, 2011

Chapter 11, relating to accessibility, is deleted in its entirety

(2) Ordinance No. 2009-05-01 of City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The City of Munford, Tennessee Mayor and Board of Alderman hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(4) Nothing in this legislation or in the building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (1984 Code, § 4-102, as amended by Ord. #2000-08-01, Aug. 2000, as deleted by Ord. #2009-05-01, April 2009, and added by Ord. #2016-02-03, March 2016)

12-103.--12-105. Deleted. (as deleted by Ord. #2009-05-01, April 2009)

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203.--12-204. Deleted.

12-201. Plumbing code adopted. A certain document, one (1) copy of which is on file in the office of the city recorder of City of Munford, Tennessee, being marked and designated as the International Plumbing Code,² 2012 edition, including appendix chapters (none) as published by the International Code Council, be and is hereby adopted as the Plumbing code of the City of Munford in the State of Tennessee regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems 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 plumbing code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-202. (1984 Code, § 4-201, modified, as amended by Ord. #2000-08-01, Aug. 2000, and replaced by Ord. #2009-05-01, April 2009 and Ord. #2016-02-05, March 2016)

- 12-202. Modifications.** (1) The following sections are hereby revised:
- | | |
|------------------|---|
| Section 101.1. | Insert: City of Munford |
| Section 106.6.2. | Insert: The fee schedule specified in Sections 106.6 and 106.6.2 shall be as periodically set by the City of Munford Board of Mayor and Alderman. |
| Section 106.6.3. | Insert: Delete in its entirety. |

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

Section 108.4. Insert: "Misdemeanor" a maximum of "fifty dollars" (\$50.00) shall be specified; all references to imprisonment are deleted.

Section 305.4.1. Insert: "18 inches" minimum depth of underground sanitary sewer installation.

(2) Ordinance No. 2009-05-01 of City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The City of Munford, Board of Mayor and Alderman hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(4) Nothing in this legislation or in the plumbing code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (1984 Code, § 4-202, as amended by Ord. #2000-08-01, Aug. 2000, and deleted by Ord. #2009-05-01, April 2009, and added by Ord. #2016-02-05, March 2016)

12-203.--12-204. Deleted. 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. (1984 Code, § 4-204, as deleted by Ord. #2009-05-01, April 2009)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1996 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1984 Code, § 4-301, modified)

12-302. Available in recorder and treasurer's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder and treasurer's office and shall be kept there for the use and inspection of the public. (1984 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1984 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1984 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1984 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1984 Code, § 4-306)

CHAPTER 4**RESIDENTIAL CODE****SECTION**

- 12-401. Residential code adopted.
12-402. Modifications.
12-403.--12-404. Deleted.

12-401. Residential code adopted. A certain document, one (1) copy of which is on file in the office of the city recorder of City of Munford, Tennessee, being marked and designated as the International Residential Code,¹ 2012 edition, including appendix chapters A, B, C, J, AND P (see International Residential Code section R102.5, 2012 edition), as published by the International Code Council, be and is hereby adopted as the residential code of the City of Munford, in the State of Tennessee for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress 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 residential code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-402. (1984 Code, § 4-401, modified, as replaced by Ord. #2009-05-01, April 2009, and Ord. #2016-02-02, March 2016)

12-402. Modifications. (1) The following sections are hereby revised:

- Section R101.1. Insert: City of Munford
Table R301.2 (1) Insert: Design Criteria
- a) Ground Snow Load - 10
 - b) Wind Speed - 90 (mph)
 - c) No Topographic Wind Effects
 - d) Seismic Design Category - D,1
 - e) Weathering Index for Concrete - Severe
 - f) Frost Line Depth - 12 in.
 - g) Termite Infestation Probability - Moderate to Heavy
 - h) Ice Underlayment Requirement - None
 - i) Flood Hazard - Original Map Effective 12/19/2006

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

j) Air Freeze Index - 393 per 100 year value

k) Mean Annual Temp - 59.5

Section R302.2 Delete the following text selection "Exception: 1-hour fire-resistant wall" and substitute the following: "Exception: A common 2- hour fire- resistant wall"

Section R313.1 Amend to say: One (1) and two (2) family dwellings and townhomes under four (4) units are not required to have sprinkler systems if the following codes to the 2012 IRC are amended locally:

Section R313.1 Townhouse automatic fire sprinkler systems, is amended by adding", however, an automatic fire sprinkler system shall not be required regardless of size or unit numbers if there is a two (2) hour fire wall between units.

Section R313.2 Amend out in its entirety:

Section R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire system shall be installed in one- and two-family dwellings.

Chapter 11, relating to energy conservation, is deleted in its entirety.

Section P2603.5.1 insert the words "18 inches" into appropriate spaces for establishing sewer depths.

Section P2603.5.1 insert the words "18 inches" into appropriate spaces for establishing sewer depths.

Chapters 34 through 43, inclusively, are hereby deleted in their entirety.

(2) Ordinance No. 2009-05-01 of City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The City of Munford, Tennessee Mayor and Board of Alderman hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(4) Nothing in this legislation or in the residential code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (1984 Code, § 4-402, as deleted by Ord. #2009-05-01, April 2009, and added by Ord. #2016-02-02, March 2016)

12-403.--12-404. Deleted. (as deleted by Ord. #2009-05-01, April 2005)

CHAPTER 5

ENERGY CONSERVATION CODE

SECTION

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

12-501. Energy conservation code adopted. A certain document, one (1) copy of which is on file in the office of the city recorder of City of Munford, Tennessee, being marked and designated as the International Energy Conservation Code,¹ 2009 edition, as published by the International Code Council, be and is hereby adopted as the energy conservation code of the City of Munford in the State of Tennessee for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems 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 energy conservation code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-502. (as replaced by Ord. #2016-02-06, March 2016)

12-502. Modifications. (1) Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Munford. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

- (2) The following sections are hereby revised:
 - Section 101.1. Insert: City of Munford
 - Section 403.2.2. Insert: The following with no substations:
 Visual Inspection.

(3) Ordinance No. 2009-05-01 of City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(4) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not

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

affect the validity of the remaining portions of the ordinance comprising this chapter. The City of Munford, Board of Mayor and Alderman hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(5) That nothing in this legislation or in the energy conservation code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (3) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (as amended by Ord. #2016-02-06, March 2016)

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

12-504. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. 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.--12-604. Deleted.

12-601. Mechanical code adopted. A certain document, one (1) copy of which is on file in the office of the city recorder of City of Munford, Tennessee, being marked and designated as the International Mechanical Code,² 2012 edition, including appendix chapters (none), as published by the International Code Council, be and is hereby adopted as the mechanical code of the City of Munford in the State of Tennessee regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems 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 mechanical code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-602. (Ord. #2000-08-01, Aug. 2000, as replaced by Ord. #2009-05-01, April 2009, and Ord. #2016-02-04, March 2016)

12-602. Modifications. (1) The following sections are hereby revised:

- Section 101.1. Insert: City of Munford

- Section 106.5.2. Insert: The fee schedule specified in Sections 106.5.2 shall be as periodically set by the City of Munford Board of Mayor and Alderman.
- Section 106.5.3 Insert: Shall be deleted in its entirety.
- Section 108.4. Insert: "Misdemeanor" a maximum of "fifty dollars" (\$50.00) shall be specified; all references to imprisonment are deleted.

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

(2) Ordinance No. 2009-05-01 of City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The City of Munford, Tennessee Mayor and Board of Alderman hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(4) That nothing in this legislation or in the mechanical code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (Ord. #2000-08-01, Aug. 2000, as deleted by Ord. #2009-05-01, April 2009, and added by Ord. #2016-02-04, March 2016)

12-603.--12-604. Deleted. (as deleted by Ord. #2009-05-01, April 2009)

CHAPTER 7

FUEL GAS CODE

SECTION

12-701. Fuel gas code adopted.

12-702. Modifications.

12-703.--12-704. Deleted.

12-701. Fuel gas code adopted. A certain document, one (1) copy of which is on file in the office of the city recorder of the City of Munford, Tennessee , being marked and designated as the International Fuel Gas Code,¹ 2012 edition, including appendix chapters (being none) (see International Fuel Gas Code section 101.3, 2012 edition), as published by the International Code Council, be and is hereby adopted as the fuel gas code of the City of Munford, in the State of Tennessee for regulating and governing fuel gas systems and gas-fired appliances 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 fuel gas code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 12-702. (Ord. #2000-08-01, Aug. 2000, as replaced by Ord. #2009-05-01, April 2009, and Ord. #2016-02-07, March 2016)

12-702. Modifications. (1) The following sections are hereby revised:

Section 101.1. Insert: City of Munford

Section 106.6.2. Insert: The fee schedule specified in Sections 106.6 and 106.6.2 shall be as periodically set by the City of Munford Board of Mayor and Alderman.

Section 108.4. Insert: "Misdemeanor" a maximum of "fifty dollars" (\$50.00) shall be specified; all references to imprisonment are deleted.

(2) Ordinance No. 2009-05-01 of City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The City of Munford, Board of Mayor and Alderman hereby declares

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

that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(4) That nothing in this ordinance or in the fuel gas code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter. (Ord. #2000-08-01, Aug. 2000, as deleted by Ord. #2009-05-01, April 2009, and added by Ord. #2016-02-07, March 2016)

12-703.--12-704. Deleted. (as deleted by Ord. #2009-05-01, April 2005)

CHAPTER 8

EXISTING BUILDING CODE

SECTION

12-801. Existing building code adopted

12-802. Modifications.

12-801. Existing building code. A certain document, one (1) copy of which is on file in the office of the city recorder of the City of Munford, Tennessee, being marked and designated as the International Existing Building Code,¹ 2012 edition, including appendix chapters (being none) (see International Existing Building Code section 101.6, 2012 edition), as published by the International Code Council, be and is hereby adopted as the existing building code of the City of Munford, in the State of Tennessee for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, 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 existing building code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-802. (as added by Ord. #2009-05-01, April 2009, and replaced by Ord. #2016-02-08, March 2016)

12-802. Modifications. (1) The following sections are hereby revised:

Section 101.1. Insert: City of Munford

(2) Ordinance No. 2009-05-02 of City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The board of mayor and alderman hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(4) That nothing in this legislation or in the existing building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited

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

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in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (as added by Ord. #2016-02-08, March 2016)

CHAPTER 9**AMERICAN STANDARD ICC/ANSI CODE****SECTION**

12-901. Standard ICC/ANSI code adopted

12-902. Modifications.

12-903. Violations and penalty.

12-901. Standard ICC/ANSI code adopted. A certain document, one (1) copy of which is on file in the office of the City recorder of the City of Munford, Tennessee, being marked and designated as the 2009 edition of the American National Standard ICC-ANSI A117.1,¹ as published by the International Code Council, and is hereby adopted as the 2009 edition of the American National Standard ICC/ANSI A117.1 (Accessible and Usable Building and Facilities) code of the City of Munford, in the State of Tennessee for regulating and governing the accessibility to physically disabled persons, including, 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 on file in the office of the city recorder are hereby referred to, American National Standard ICC/ANSI A117.1 (Accessible and Usable Building and Facilities) code of the City of Munford, in the State of Tennessee for adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 12-902. (as added by Ord. #2009-05-01, April 2009, and replaced by Ord. #2016-02-10, March 2016, and Ord. #2017-08-04, Sept. 2017)

12-902. Modifications. (1) The following sections are hereby revised:

(2) Ordinance No. 2016-02-10 of the City of Munford, Tennessee referencing the 2006 international codes and all other ordinances or parts of laws in conflict herewith are hereby repealed.

(3) If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance comprising this chapter. The board of mayor and alderman hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared un-constitutional.

(4) Nothing in this legislation or in the American National Standard ICC/ANSI A117.1 hereby adopted shall be construed to affect any suit or

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

proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in subsection (2) of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. (as added by Ord.#2016-02-10, March 2016, and replaced by Ord. #2017-08-04, Sept. 2017)

12-903. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2017-08-04, Sept. 2017)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. ABANDONED VEHICLES.
4. OPEN BURNING.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Definitions.
- 13-102. Health officer.
- 13-103. Smoke, soot, cinders, etc.
- 13-104. Stagnant water.
- 13-105. Weeds/grass.
- 13-106. Dead animals.
- 13-107. Duty to maintain property.
- 13-108. Junkyards.
- 13-109. Penalties.
- 13-110. Declaration of public nuisance.
- 13-111. Enforcement.
- 13-112. Third party liability.

13-101. Definitions. For the purpose of this chapter the following words and terms shall have the designated meaning unless it is clear from the text that a different meaning is intended:

(1) "Junk" means discarded, broken or disabled material including, but not limited to; furniture; appliances; tools; machinery; or other items that are not in functioning condition.

(2) "Litter" means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles; and discarded or used cans.

(3) "Owner" means any person owning property, as shown on the real property records of the City of Munford, Tennessee or Tipton County, Tennessee

¹Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-107.

or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

(4) "Property" means land and any building or structures located thereon.

(5) "Trash" means waste food products and other household garbage.

(6) "Agriculture" in this chapter shall mean work of cultivating the soil, producing crops and raising livestock. (1984 Code, § 8-101, as replaced by Ord. #2003-05-01, April 2003)

13-102. Health officer. The health officer shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1984 Code, § 8-104, as replaced by Ord. #2003-05-01, April 2003)

13-103. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1984 Code, § 8-105, as replaced by Ord. #2003-05-01, April 2003)

13-104. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (Ord. #94-1, Jan. 1994, as replaced by Ord. #2002-09-04, Sept. 2002, and Ord. #2003-05-01, April 2003)

13-105. Weeds/grass. Every property owner or tenant of real property, not being utilized for agriculture purposes, shall keep the weeds/grass cut to a height not to exceed twelve (12) inches. Whenever the property owner or tenant allows the weeds/grass to exceed twelve (12) inches the City of Munford shall serve notice to cut such weeds/grass. If such weeds/grass are not cut within ten (10) days of notice or attempted notice, the city will initiate proper remedial action.

When the owner or tenant can be readily contacted and the property is not brought into compliance within the specified time, that owner or tenant may be cited into court for violation of a city ordinance.

When the owner or tenant cannot be readily contacted and after the specified time, the City of Munford may proceed to:

(1) Cut said weeds/grass and charge a fee, as determined by the board of mayor and aldermen from time to time;

(2) Contract with an independent contractor to cut said weeds/grass and that amount charged by the contractor will be charged to the owner or tenant.

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

If the charges to the owner or tenant are not paid within the specified time and upon filing notice with the office of register of deeds such charges shall become a lien on said property in favor of the City of Munford. (1984 Code, § 8-107, as replaced by Ord. #2003-05-01, April 2003)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1984 Code, § 8-108, as replaced by Ord. #2003-05-01, April 2003)

13-107. Duty to maintain property. No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City of Munford, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other city ordinance, any of the following conditions visible from any public street or alley.

(1) Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

(2) Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

(3) Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;

(4) Shopping carts in any front yard, side yard, rear yard or vacant lot;

(5) Dead, decayed, diseased or hazardous trees, or any other vegetation a majority of which (other than vegetation located in flowerbeds, or trees or shrubbery) exceeds twelve inches in height, or which is dangerous to public health, safety and welfare, located in any front yard, side yard, or rear yard or vacant lot;

(6) Graffiti or signs, not in compliance with the zoning ordinance, on the exterior of any building, fence or other structure in any front yard, side yard, rear yard or vacant lot;

(7) Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

(8) Utility trailers with any prohibited condition or item listed in § 13-107 or unmounted camper tops located in any front yard or side yard;

(9) Any accumulation of weeds, brambles, berry vines, or other vegetation which is overgrowing any structure or which exceeds an average height of three (3) feet, other than maintained landscaping, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant

water, combustible materials or vegetation, and similar materials or conditions constituting fire, health or safety hazards;

(10) Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents;

(11) Unkempt parking lot areas that may become hazardous to vehicles or pedestrians due to lack of proper maintenance in paving or of filling potholes. (as added by Ord. #2003-05-01, April 2003)

13-108. Junkyards. All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (as added by Ord. #2003-05-01, April 2003)

13-109. Penalties. Violation of the City of Munford's Property Maintenance Regulations shall be declared a public nuisance and considered a misdemeanor and shall be subject to a fine up to the maximum allowable under the laws of the State of Tennessee for each occurrence. (as added by Ord. #2003-05-01, April 2003)

13-110. Declaration of public nuisance. Any property found in violation of chapter 13 of the Munford Municipal Code is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, trimming, demolition or repair. (as added by Ord. #2003-05-01, April 2003)

13-111. Enforcement. The provisions of this chapter shall be enforced by the Health Officer or Building/Codes Enforcement Officer of the City of Munford, Tennessee pursuant to the applicable laws of the State of Tennessee as both presently exist or as may subsequently be amended in a court of law with competent jurisdiction. (as added by Ord. #2003-05-01, April 2003)

13-112. Third party liability. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of general public, and not to create or otherwise establish or designate any particular class

or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (as added by Ord. #2003-05-01, April 2003)

CHAPTER 2

SLUM CLEARANCE

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1984 Code, § 8-109, as deleted by Ord. #2003-05-01, April 2003, and replaced by Ord. #2006-12-01, Dec. 2006)

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 city.

(3) "Municipality" shall mean the City of Munford, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

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

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

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

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

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #2006-12-01, Dec. 2006)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector/code enforcement officer of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector/code enforcement officer. (as added by Ord. #2006-12-01, Dec. 2006)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #2006-12-01, Dec. 2006)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

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

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #2006-12-01, Dec. 2006)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #2006-12-01, Dec. 2006)

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. (as added by Ord. #2006-12-01, Dec. 2006)

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 Tipton County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against

whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Tipton County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Munford to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #2006-12-01, Dec. 2006)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Munford. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (as added by Ord. #2006-12-01, Dec. 2006)

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 Tipton County. 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 Tipton County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2006-12-01, Dec. 2006)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #2006-12-01, Dec. 2006)

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

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

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

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

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #2006-12-01, Dec. 2006)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #2006-12-01, Dec. 2006)

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2006-12-01, Dec. 2006)

CHAPTER 3

ABANDONED VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Declared a public nuisance.
- 13-303. Storage on public or private property prohibited.
- 13-304. Notice to remove.
- 13-305. Failure to remove declared a misdemeanor.
- 13-306. Abatement and removal by city.
- 13-307. Sale at public auction.
- 13-308. Disposition of worthless vehicles.
- 13-309. Disposition of inoperative vehicles over eight (8) years old.
- 13-310. Return of vehicle to owner.
- 13-311. Storage and sale of valuable property found in abandoned vehicles.
- 13-312. Storage agent requirements.

13-301. Definitions. For the purpose of this chapter the following words and terms shall have the designated meaning unless it is clear from the text that a different meaning is intended:

(1) "Abandoned vehicle" shall mean any motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control and/or any vehicle which is wrecked or partially dismantled or inoperable for a period of ten (10) days. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of said vehicle remains in the technical custody or control of such owner, if it has remained inoperable or partially dismantled, or if the owner has relinquished dominion or control of said vehicle for ten (10) days.

(2) "Municipal representative" shall mean building inspector, the mayor or his duly authorized representative.

(3) "Property" shall mean any real property within the city which is not an improved street or highway.

(4) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles and tractors. (Ord. #94-3, Jan. 1994)

13-302. Declared a public nuisance. The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperable motor vehicles on public and private property is hereby found to create an unsightly condition upon said property tending to reduce the value thereof, to invite

plundering, to create fire hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community; to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in junked, abandoned or partially dismantled condition and where inoperable motor vehicles are in the nature of rubbish, litter and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such vehicles on public and private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in the municipal code. (Ord. #94-3, Jan. 1994)

13-303. Storage on public or private property prohibited. No person shall park, store, or leave or permit the parking, storing, or leaving of any motor vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperative or abandoned condition unless such vehicle is completely enclosed within a building or unless such vehicle is stored or parked on said property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise. (Ord. #94-3, Jan. 1994)

13-304. Notice to remove. Whenever it shall appear that a violation of the provisions of this chapter exists, the municipal representative as designated by the mayor, shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this chapter, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that said motor vehicle violates the provisions of this section and directing that said motor vehicle be moved to a place of lawful storage within seventy-two (72) hours; such notice shall be served upon the owner of the vehicle by leaving a copy of said notice on or within the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting said notice upon the premises. In the case of publicly owned property, notice to the owner of the property where the vehicle is found is hereby dispensed with. (Ord. #94-3, Jan. 1994)

13-305. Failure to remove declared a misdemeanor. The owner of any abandoned vehicle who fails, neglects, or refuses to remove the said vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of § 13-304 shall be guilty of a misdemeanor, and punished as provided in the general penalty clause of this code. (Ord. #94-3, Jan. 1994)

13-306. Abatement and removal by city. If the said vehicle is not disposed of after the time provided for in the aforesaid notice, the municipal representative as designated by the mayor, shall report the location of said vehicle to the storage agent of the city, which agent is defined hereinafter, and the storage agent shall then remove the said vehicle to his lot. At the time that the vehicle is removed by the storage agent, a tow-in ticket shall be completed by the storage agent in triplicate.

(1) Tow-in ticket. The tow-in ticket as hereinabove provided for shall be in the following form:

VEHICLES TO STORAGE AGENT

Ticket No. _____

Make of vehicle _____ Type _____

Motor No. _____

Vin. No. _____ License No. _____ State _____

Where found _____ Date _____

Time _____ Parts of vehicle damages or missing _____

Keys in vehicle _____ Switch locked _____ Switch unlocked _____

Trunk locked _____ Doors locked _____ Radio in vehicle _____

Spare tire and wheel _____ Jack _____

Was vehicle driven in? _____ By: _____

Personal property in vehicle _____

Remarks _____

Owner _____

Address _____ City or State _____

Signature of Tow Man _____

Signature of Municipal Representative _____

(2) Removal and storage. Abandoned vehicles shall be transported from the property where they are found to the storage agent's lot only during the daylight hours. The abandoned vehicle shall not be double decked on the storage agent's lot until the title search as been completed by the police department.

(3) Title search by police department. At the time that an abandoned vehicle is moved to the storage agent's lot, the Munford Police Department shall be notified immediately of such fact, and the said department shall procure the serial number on the vehicle. The Munford Police Department shall make, or cause to be made, a title search on the abandoned vehicle, and after the title search has been completed by the Police Department, the results thereof shall be transmitted to both the storage agent and the municipal representative. (Ord. #94-3, Jan. 1994)

13-307. Sale at public auction. (1) Procedure when owner known. After a title search of the abandoned vehicle has been made by the Police Department, the city shall give notice by registered mail to the owner of said vehicle that the vehicle shall be sold at public auction. The said notice shall determine the date of the sale of the abandoned vehicles, provided that the vehicles shall be sold within thirty (30) days after the results of the title search have been transmitted to the city. The vehicle shall be sold by the city and the city may sell the vehicle(s) individually or as a group. Each vehicle at the sale shall be subject to the tow-in charge and the storage charges. The storage agent shall be permitted to bid at the sale. There shall be no liability on the part of the city to the storage agent for tow-in or storage charges. The title to the abandoned vehicle sold at the aforesaid public auction shall pass to the purchaser at the time of sale. The proceeds derived from the sale of the vehicles shall be paid over to the storage agent to the extent of the expense incurred by the said storage agent and any additional amount shall be paid to the former owner of the vehicle.

Notice of sale shall be posted at the city hall fifteen (15) days in advance of the sale.

(2) Procedure when owner cannot be ascertained. If the owner of the vehicle cannot be ascertained by the title search of the Munford Police Department within thirty (30) days after said vehicle is moved to the storage agent's lot, the Munford Police Department shall notify the storage agent of such fact, and the vehicle shall be sold in accordance with the provisions as set forth in this section within thirty (30) days of such notification, provided that the notice to the owner by registered mail shall be dispensed with.

(3) Procedure when there is no identification number. If the said vehicle has no serial number or other identification number, then the title search as hereinabove provided for shall be dispensed with, and the vehicle shall be sold in accordance with the provisions of § 13-307 within thirty (30) days of

it being moved to storage agent's lot, provided that the notice by registered mail to the owner shall also be dispensed with. (Ord. #94-3, Jan. 1994)

13-308. Disposition of worthless vehicles. Any vehicle, as herein provided, which, after having been advertised and listed for sale, shall bring no price, then and in that event, the purchasing agent shall deem such vehicle as worthless and shall dispose of said vehicle in such a manner as he and the mayor may deem right and proper. (Ord. #94-3, Jan. 1994)

13-309. Disposition of inoperative vehicles over eight (8) years old. Notwithstanding any other provision of this chapter, any person, firm, or corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher without that title and without the notification procedures of this chapter, if the motor vehicle is over eight (8) years old and has no engine or is totally inoperable. (Ord. #94-3, Jan. 1994)

13-310. Return of vehicle to owner. If during the time that the vehicle is being held by the storage agent, the owner of the vehicle demands the return of said vehicle, then the storage agent shall turn the said vehicle over to the owner upon the payment of the storage and tow-in fees by the owner. The storage agent shall notify the city of such redemption by the owner of the vehicle. (Ord. #94-3, Jan. 1994)

13-311. Storage and sale of valuable property found in abandoned vehicles. Any valuable property found in any abandoned vehicle subject to this chapter shall be stored by the storage agent and sold at public auction as determined by the municipal representative. (Ord. #94-3, Jan. 1994)

13-312. Storage agent requirements. At the time a person submits his bid for the position of storage agent, he shall certify to the following factors:

(1) That he has an adequate number of wreckers and further, an adequate area to store the abandoned vehicles pending the sale of same, the number of wreckers and amount of storage being subject to approval of the municipal representative.

(2) That the storage agent carry liability insurance in such amount as may be approved by existing statutes.

(3) That he has space available for the storage of valuable property found in the abandoned vehicles at the time they are towed in.

(4) An established fee schedule determined to be equitable with other storage agents (towing/storage charges). (Ord. #94-3, Jan. 1994)

CHAPTER 4

OPEN BURNING OF REFUSE AND DEBRIS

SECTION

- 13-401. Definitions.
- 13-402. Standards for open burning.
- 13-403. Prohibited open burning.
- 13-404. Locations.
- 13-405. Attendance.
- 13-406. Bonfires.
- 13-407. Recreational fires.
- 13-408. Permits.
- 13-409. Penalties.

13-401. Definitions. (1) "Open burning." The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. (IFC 2003)

(2) "Recreational fire." An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. (IFC 2003)

(3) "Bonfire." An outdoor fire utilized for ceremonial purposes. (IFC 2003)

(4) "Person." Person means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency.

(5) "Other than burning related word." For the purposes of this chapter certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in the definition sections of Tennessee Code Annotated and the City of Munford, Tennessee Code of Ordinances and the 2003 International Fire Code. (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

13-402. Standards for open burning. (1) No person shall willfully start or cause to be started any open fire within the corporate limits of the City of Munford without first obtaining a burning permit from the city. Prevailing

winds at the time of ignition must be away from any dwelling, structure, major highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other air contaminants from burning.

(2) Burning shall not be initiated when it is determined by the fire chief or his designee, based on information supplied by a competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the direction of the burn. Asphaltic material, or items containing natural or synthetic rubber, shall not be burned or used to ignite the material to be burned or to promote the burning of such material. (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

13-403. Prohibited open burning. (1) Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The fire code official is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation. (IFC 2003)

(2) A burn permit shall be revoked and ordered extinguished only after a fire department representative has investigated the complaint. Both parties, the complainant and the burn permit holder shall be informed of the decision made and educated on reasons why permit is being revoked.

(3) All fire shall be extinguished by sundown and the burning permit shall be considered revoked and void after such time.

(4) Exceptions:

Recreational fires and bonfires. (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

13-404. Locations. The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure. (IFC 2003)

(1) Exceptions:

(a) Fires in approved containers that are not less than 15 feet (4572 mm) from a structure. (IFC 2003)

(b) The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height. (IFC 2003) (Ord. #2000-01-02, Jan. 2000, as replaced by Ord. #2004/05/01, May 2004)

13-405. Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. The attendant must be over the age of 18. A minimum of one portable fire extinguisher complying with Section 906 of the International Fire Code 2003 with a minimum 4-a rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water

barrel, garden hose or water truck, shall be available for immediate utilization. (as added by Ord. #2004/05/01, May 2004)

13-406. Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbeque pit. Conditions which could cause a fire to spread within 50 feet (15240 mm) of a structure shall be eliminated prior to ignition. (IFC 2003) (as added by Ord. #2004/05/01, May 2004)

13-407. Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. (IFC 2003) (as added by Ord. #2004/05/01, May 2004)

13-408. Permits. (1) Burning permits shall be obtained from the fire chief or his designee. Permits issued under this section shall be issued in the name of the person undertaking the burning and shall specify the specific area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit, and such other factors as are necessary to identify the burning which is allowed under the permit. A permit fee of (\$ amount) shall be assessed per 24 hour period. This section does not relieve the person who will be burning from complying with other state and local laws and ordinances.

(2) The fire chief or his designees has the authority to prohibit open burning within the corporate limits of the City of Munford due to hazardous local meteorological conditions. The fire chief or his designee will notify proper state and local agencies, if practicable, that a burning ban has been placed in effect. (as added by Ord. #2004/05/01, May 2004)

13-409. Penalties. Any person violating the provisions of this chapter or of any permit issued under the authority of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500.00). The penalty under this chapter will be separate and apart and not in lieu of any civil or criminal penalties which may be imposed. (as added by Ord. #2004/05/01, May 2004)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL/REGIONAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOMES AND MOBILE HOME PARKS.

CHAPTER 1

MUNICIPAL/REGIONAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
 14-102. Organization, powers, duties, etc.

14-101. Creation and membership. (1) Creation and area. The mayor and board of aldermen and the Tennessee State Planning Office hereby establish a planning region known as the Munford Planning Region which shall consist of the incorporated area of the City of Munford, Tennessee, and the surrounding area in the urban growth boundary of the City of Munford as shown in the county growth plan as shown on the attached map.¹

(2) Membership.² The mayor and board of aldermen and the Tennessee State Planning Office hereby create the Munford Municipal/Regional Planning Commission, which shall be comprised of seven (7) members, and that the membership first approved shall be as follows:

- (a) The mayor and one member of the board of aldermen with terms which shall be co-terminus with their terms of office of such body.
- (b) Five (5) members whom are citizens of the City of Munford and/or the Munford Planning Region, subject to approval of state officials. (1984 Code, § 11-101, modified)

14-102. Organization, powers, duties, etc. The Munford Municipal/Regional planning commission shall be organized and shall carry out its powers,

¹The map is of record in the office of the recorder.

²Tennessee Code Annotated, § 13-3-103 provides that the chief elected official of any municipality lying within the boundary of the planning region shall nominate the members of the regional planning commission before being appointed by the Tennessee State Planning Office, but the number and membership of regional planning commission is finally determined by the Tennessee State Planning Office.

functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1984 Code, § 11-102, modified)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Zoning governed by zoning ordinance.

14-201. Zoning governed by zoning ordinance. Zoning within the City of Munford is governed by Ordinance #83-2, titled "Zoning Ordinance of Munford, Tennessee," and any amendments thereto.¹

¹Ordinance #83-2, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

CHAPTER 3

MOBILE HOMES AND MOBILE HOME PARKS

SECTION

- 14-301. Definitions.
- 14-302. License.
- 14-303. License fee.
- 14-304. Application for license.
- 14-305. Park plan.
- 14-306. Location.
- 14-307. Water supply.
- 14-308. Sanitation facilities.
- 14-309. Laundry facilities.
- 14-310. Sewage and refuse disposal.
- 14-311. Refuse, storage, collection, disposal.
- 14-312. Fire protection.
- 14-313. Additions to mobile homes; parking regulations.
- 14-314. Register of occupants.
- 14-315. Revocation of license.
- 14-316. Posting of license.
- 14-317. Existing mobile home parks.
- 14-318. Penalty.

14-301. Definitions. (1) "Dwelling." A house, apartment building or other permanent building designed or used primarily for human habitation.

(2) "Barrier, natural or artificial." Means any river, pond, canal, railroad, levee, embankment, fence or hedge.

(3) "Park." Means mobile home park.

(4) "Person." Means any natural individual.

(5) "Mobile home." Means and includes any vehicle or similar portable structure constructed so as to permit its being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons. "Mobile Home" shall include "Trailer Coach" as defined in Tennessee Code Annotated, § 68-24-101(8).

(6) "Mobile home park." Means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

(7) "Mobile home space." Means a lot or plot of ground within a mobile home park designed for the accommodation of one mobile home.

(8) "Dependent mobile home." Means a mobile home which does not have a toilet and a bath or shower, or running water.

(9) "Independent mobile home." Means a mobile home that has a toilet and bath or shower, and running water.

(10) "Dependent mobile home space." Means a mobile home space which is designed to accommodate a dependent mobile home and does not have sewer and water connections to accommodate a toilet and a bath or shower in a mobile home.

(11) "Independent mobile home space." Means a mobile home space which has sewer and water connections designed to accommodate toilet and bath or shower contained in an independent mobile home.

(12) "Health officer." Means a health officer of the City of Munford, Tennessee or his authorized representative. (1984 Code, § 11-301)

14-302. License. (1) It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Munford, Tennessee any mobile home park unless such person shall first obtain a license therefor.

(2) License shall not be transferable. (1984 Code, § 11-302)

14-303. License fees. The annual license fee for each mobile home park shall be equal to, but not greater than, the amount allowed by the state privilege tax. (1984 Code, § 11-303)

14-304. Application for license. Applications for a mobile home park license shall be filed with and issued by the building inspector. Applications shall be in writing signed by the applicant and shall contain the following:

(1) The name and address of the applicant.

(2) The location and legal description of the mobile home park.

(3) A complete plan of the park showing compliance with § 14-305 of this chapter.

(4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. The sketch shall be drawn to scale showing the number and arrangement of mobile home lots, roadways, water supply, water outlets, liquid and garbage disposal and the location of the buildings for toilets, baths, laundries and other facilities.

(5) Such further information as may be requested by the building inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The building inspector and the health officer shall inspect the proposed plans and specifications and shall make a report of their findings to the board of zoning appeals of the City of Munford. The board of zoning appeals shall inspect the site and the proposed plans and may approve the plans subject to such reasonable conditions as are necessary to protect adjoining and neighboring property and such conditions as are necessary to insure a safe, attractive, and pleasant park development. The board of mayor and aldermen may disapprove the application but shall state its reasons for such disapproval in writing.

The license shall be issued by the city recorder, but only upon completion of the park in conformance with plans and specifications approved by the board of mayor and aldermen.

Mobile homes shall not be parked on any public thoroughfare, street, alley or public place in the City of Munford, Tennessee for longer than one hour when no emergency for repairs exists.

None of the provisions of this chapter shall be construed as prohibiting the parking of mobile homes for display by a duly authorized and licensed dealer or sales agency, provided that the lot where such mobile homes are parked is within an area where such type of business is permitted by the board of mayor and aldermen of the City of Munford, Tennessee. (1984 Code, § 11-304)

14-305. Park plan. The mobile home park shall be designed for either independent mobile homes or for dependent mobile homes, but a park designed for independent mobile homes shall not accept dependent mobile homes. Except as set forth in § 14-317 below, the mobile home park shall conform to the following requirements:

(1) The park shall be located on a well drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Mobile home plot size and spacing of mobile homes: Mobile home spaces for independent mobile home units shall be provided consisting of a minimum of 2,100 square feet for each space which shall be at least 30 feet wide and clearly defined. Mobile home spaces for dependent mobile home units shall be provided consisting of a minimum of 1,500 square feet for each space which shall be at least 25 feet wide and clearly defined. Mobile homes shall be so harbored on each space that there shall be at least a 15 foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than 10 feet. No mobile home shall be located closer than 7 feet from any property line bounding the park.

It shall not be a violation of this chapter for a camper, tent-trailer or other overnight sleeping facility to temporarily occupy a dependent mobile home space, but not more than one unit may use each space.

(3) All mobile home spaces shall abut upon a driveway of not less than 30 feet in width which shall have unobstructed access to a public street, alley or highway. The Board of Zoning Appeals may stipulate an appropriate dustfree surface material to be provided. All driveways shall be lighted at night with 25 watt lamps at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.

(4) Each park that accepts a dependent trailer shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities and other sanitary facilities as hereinafter more particularly described.

(5) Paved walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings. The walkways shall be

lighted at night with 25 watt lamps at intervals of one hundred (100) feet approximately fifteen (15) feet from the ground.

(6) Electricity: An electrical outlet supplying at least 110 volts shall be provided for each mobile home space, and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with title 12, chapter 3 of this code. (1984 Code, § 11-305)

14-306. Location. Mobile home parks for mobile homes may be located as permitted by the board of mayor and aldermen of the City of Munford. (1984 Code, § 11-306)

14-307. Water supply. An adequate supply of water under pressure from a source and a quality approved by the Tennessee Department of Health shall be provided; where possible, approved municipal water supplies shall be used. Water shall be piped to each mobile home lot. There shall be a water outlet in each shower room, wash room, sink and night waste container washing facilities. (1984 Code, § 11-307)

14-308. Sanitation facilities. Each park that accepts a dependent trailer shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities which shall conform to the following requirements:

(1) Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated if in the same building, by a soundproof wall.

(2) Toilet facilities for women shall consist of not less than two (2) flush toilets for every ten (10) dependent mobile home spaces, and two (2) lavatories for every twenty (20) dependent mobile home spaces. Each toilet, shower and bathtub shall be in a private compartment.

(3) Toilet and urinal facilities for men shall consist of not less than one (1) flush toilet for every ten (10) dependent mobile home spaces, one (1) shower or bathtub for every ten (10) dependent mobile home spaces. Each toilet, shower and bathtub shall be in a private compartment.

(4) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, gas and sanitation systems,¹ and shall be located no closer than fifteen (15) feet or farther than one hundred fifty (150) feet from any dependent mobile home space.

(5) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

¹Municipal code reference

Building, utility, etc. codes: title 12.

(6) The service buildings shall be well lighted at all times of the day and night and shall be well ventilated with screened openings, shall be constructed of such moisture-proof materials, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 70 degrees fahrenheit during the period from October 1 to May 1, and to supply a minimum of three (3) gallons of hot water per hour per mobile home space during the time of peak demands. The floors of the service building shall be of concrete or approved tile material and shall slope to a floor drain connected with the sewerage system.

(7) Liquefied petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a mobile home, nor within five (5) feet of a door thereof.

(8) All service buildings, mobile homes, mobile home spaces and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1984 Code, § 11-308)

14-309. Laundry facilities. When required the laundry facilities shall be provided in the ratio of one (1) double laundry tub and ironing board for every twenty (20) mobile home spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. Drying spaces shall be provided sufficient to accommodate the laundry of the mobile home occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, gas and sanitation system.¹ (1984 Code, § 11-309)

14-310. Sewage and refuse disposal. Waste from showers, bathtubs, toilets, slop sinks and laundries shall be discharged into a public sewer system where one exists, in compliance with title 18, chapter 2 of this code. All kitchen sinks, washbasins, bath or shower tubs in any mobile home harbored in any park shall empty into the sanitary sink drain located on the mobile home space. Mobile home parks within two hundred (200) feet of the municipal sewer shall connect thereto, with approved and sized lines.² (1984 Code, § 11-310)

¹Municipal code reference

Building, utility, etc. codes: title 12.

²This section originally required that mobile home parks located within 300 feet of a municipal sewer would have to connect thereto. However, § 18-302 (continued...)

14-311. Refuse, storage, collection, disposal. Storage, collection and disposal of refuse shall be accomplished as provided in title 17, chapter 1 of this code. Satisfactory container racks shall be provided and shall be located not more than 150 feet from any mobile home. (1984 Code, § 11-311)

14-312. Fire protection. The mobile home park area shall be subject to the provisions of title 7, chapter 2 of this code and the rules and regulations of the fire prevention authorities having jurisdiction. (1984 Code, § 11-312)

14-313. Additions to mobile homes; parking regulations. No permanent additions of any kind shall be built on to, nor become a part of, any mobile home. Skirting of mobile homes is permissible, but such skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of the mobile home shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the mobile home to prevent movement on the springs while the mobile home is parked and occupied. (1984 Code, § 11-313)

14-314. Register of occupants. It shall be the duty of licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) Name and address of each occupant.
- (2) The make, model and year of all automobiles and mobile homes.
- (3) License number and owner of each mobile home and automobile by which it is towed.
- (4) The state issuing such license.
- (5) The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration. (1984 Code, § 11-314)

14-315. Revocation of license. The health officer shall make periodic inspection of the park to assure compliance with this chapter. In case of non-compliance with any provisions of this chapter, the health officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the health officer shall recommend to the board of mayor and aldermen revocation of the offending park's license. The city board shall hold

(...continued)

of this code requires connection to the municipal sewer if the property line is within 200 feet of the sewer; consequently this section was modified to reflect the higher standard.

hearing on the matter, and upon determination of non-compliance revoke said license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law. (1984 Code, § 11-315)

14-316. Posting of license. The license certificate shall be conspicuously posted in the office of, or in the premises of, the mobile home park at all times. (1984 Code, § 11-316)

14-317. Existing mobile home parks. Any mobile home park which is existing at the time of the adoption of this chapter or any park which may subsequently become subject to this chapter by annexation shall be allowed to continue in exception to the provisions of this chapter. However, this section shall not exempt these properties from the licensing provisions set forth in §§ 14-302, 14-303 and 14-304 as well as the requirements set forth in §§ 14-313, 14-314, 14-315, 14-316 and 14-319 of this chapter, nor shall any expansions or alterations to existing mobile home parks be allowed except in conformity with the requirements of this chapter. (1984 Code, § 11-317)

14-318. Penalty. Any person violating the provisions of this chapter shall be guilty of a misdemeanor and shall be fined in accordance with the general penalty clause in this code. (1984 Code, § 11-318)

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. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle and motorcycle riders, etc.
- 15-123. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1984 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1984 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1984 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1984 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when

overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1984 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1984 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1984 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1984 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1984 Code, § 9-114)

¹Municipal code references

Stop signs, yield signs, flashing signals, traffic control signals generally: §§ 15-504--15-507.

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1984 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1984 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1984 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1984 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any 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. (1984 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1984 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1984 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1984 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1984 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1984 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and

unobstructed to enable him to make the movement in safety. (1984 Code, § 9-126)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1984 Code, § 9-119)

15-122. Bicycle and motorcycle riders, etc. (1) Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

(2) No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

(5) No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

(6) All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

(7) Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1984 Code, § 9-127)

15-123. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under 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 compliance with this section at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed.

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. (1984 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1984 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1984 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a firefighter or police officer. (1984 Code, § 9-105, modified)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-305. At the intersection of Highway 51 (SR-3) and Munford Avenue.

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. (1984 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1984 Code, § 9-202)

15-303. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hours of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1984 Code, § 9-203, modified)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the City of Munford. (1984 Code, § 9-204)

15-305. At the intersection of Highway 51 (SR-3) and Munford Avenue. The speed limit at the intersection of Highway 51 (SR-3) and Munford Avenue is hereby reduced from 55 m.p.h. to 45 m.p.h. for one half mile north and south of Munford Avenue. (1984 Code, § 9-205, modified)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1984 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1984 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1984 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1984 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1984 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING**SECTION**

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1984 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1984 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1984 Code, § 9-403)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1984 Code, § 9-404)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1984 Code, § 9-405)

15-506. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the municipality, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the municipality at intersections which the municipality decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1984 Code, § 9-406)

15-507. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. (1984 Code, § 9-407)

15-508. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1984 Code, § 9-408)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.
- 15-607. Where prohibited.

15-601. Generally.¹ No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1984 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1984 Code, § 9-502)

¹Municipal code reference

Parking mobile homes on streets: § 14-304.

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1984 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (7) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (8) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (9) Upon any bridge.
- (10) Alongside any curb painted yellow or red by the city. (1984 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1984 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1984 Code, § 9-506)

15-607. Where prohibited. (1) Definitions. (a) "Agricultural vehicle" shall include mowers, tractors, and equipment for maintaining yards, lawns, gardens, etc.

(b) "Buses" shall include any van type vehicle designed to carry passengers for hire or for public transportation.

(c) "Large truck" shall include, but not be limited to, any truck over one (1) ton weight classification and shall include any truck with dual rear wheels, commonly know as "dually."

(d) "Recreational vehicle" shall include, but not be limited to, boats, all terrain vehicles, personal watercraft, golf carts, go carts,

snowmobiles, sand buggies, dune buggies, airplane gliders (whether mounted on a trailer or not), motor homes, truck campers, travel trailers, motorized dwellings.

(e) "Trailers" shall include, but not be limited to, boat trailers, camping trailers, fifth wheels, house trailers, utility trailers, semi-trailers, horse trailers, construction trailers, and trailers designed to carry recreational vehicles.

(2) It shall be unlawful for any person, firm, or corporation owning, operating or having control of any large trucks, trailers, buses, agricultural, or recreational vehicle to park the same upon any street, avenue, alley, or public way in any residential area of the City of Munford. Also, this prohibition applies to any city owned parking lot whether or not it is in a residential area.

(3) The provision of this section shall not be deemed to prohibit the lawful parking of such motor freight or service vehicle upon any street, avenue, alley, or other public way in the City of Munford for the actual loading or unloading of goods, wares, or merchandise or servicing (lawn care, termite service, appliance service, etc.) customers in residential areas, provided, however that such activities be limited to the actual time consumed in such operation.

(4) The provisions of this chapter shall not apply to emergency or utility vehicles while performing related operations nor shall it apply to city related events requiring the use of such vehicles to transport or display merchandise or participate in such event (Celebrate Munford, Celebrate Independence, Christmas Parade, etc.).

(5) Enforcement. (a) Violations of prohibited parking shall be punished in accordance with the general penalty provisions of the Munford Municipal Code.

(b) Any vehicle, parked upon any city street, avenue, alley, or public way in the City of Munford, in violation of this section may be towed away by the police department and the cost thereof charged to the owner or operator or other person having control of such vehicle or equipment. The towing of vehicle under this section shall be in addition to, rather than in lieu of, penalties available under the general penalty provisions of this code. (as added by Ord. #2008-06-01, June 2008)

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. Deposit of license in lieu of bail.
- 15-707. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1984 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1984 Code, § 9-603)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1984 Code, § 9-604, modified)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

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. 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, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be an amount set by the board from time to time by resolution. (1984 Code, § 9-605, modified)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-111. (1984 Code, § 9-606)

15-706. Deposit of license in lieu of bail. Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, or any other state or the District of Columbia is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except driving under the influence of an intoxicant or narcotic drug or leaving the scene of an accident, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court. (1984 Code, § 9-602)

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant for his arrest is issued, his fine shall be three dollars (\$3.00).

(b) Other parking violations. For other parking violations, the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court, but the fines shall be five dollars (\$5.00) within ten (10) days and ten dollars (\$10.00) thereafter. (1984 Code, § 9-604, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET NAME AND PROPERTY NUMBER SYSTEM.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Political signs.

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. (1984 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1984 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1984 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1984 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the governing body after a finding that no hazard will be created by such banner or sign. (1984 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1984 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1984 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1984 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1984 Code, § 12-109)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder and treasurer. No permit shall be issued by the recorder and treasurer unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1984 Code, § 12-110)

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. (1984 Code, § 12-111)

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. (1984 Code, § 12-112)

16-113. Political signs. Political signs shall be regulated as follows:

(1) **Political signs defined.** Signs with the intended use of denoting a political campaign headquarters, party affiliation, or advertising of a political figure or cause.

(2) **Size.** The size of a political sign shall be limited to thirty-two (32) square feet per sign face. No political sign may restrict, obstruct, impair, obscure, or interfere with traffic safety. Any sign determined to be in a location that causes an immediate hazard to the public safety may be immediately removed by the city.

(3) **Number.** There is no limit on the number of signs placed on a private parcel.

(4) **Location.** A political sign may be placed, erected or maintained on private property with the permission of the property owner and must comply with all state and federal election laws. Signs may not be placed in the public right-of-way.

(5) **Duration.** No political sign may be erected or maintained more than ninety (90) days prior to the date of any scheduled early voting. All political signs are to be removed within seven (7) days after the election. In the event that the election is a primary run-off, the candidates for the later election may leave their signs in place to be removed seven (7) days after the general or run-off election.

(6) Failure to remove. Upon failure to comply with the specified time requirements as set forth in this section, the City of Munford shall remove the sign and any expense attendant thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located. Any sign removed by the city shall become property of the city and may be disposed of in any manner deemed appropriate by the city. (as added by Ord. #2014-04-02, May 2014)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder and treasurer is open for business, and said permit shall be retroactive to the date when the work was begun. (1984 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder and treasurer, 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

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

approved by the recorder within twenty-four (24) hours of its filing. (1984 Code, § 12-202)

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00). (1984 Code, § 12-203, modified)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder and treasurer 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 and treasurer may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city 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 and treasurer a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1984 Code, § 12-204, modified)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1984 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, 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 city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If

within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1984 Code, § 12-206)

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 and treasurer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$250,000 for each person and \$600,000 for each accident, and for property damages not less than \$85,000 for any one (1) accident. (1984 Code, § 12-207, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city 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. (1984 Code, § 12-208)

16-209. Supervision. The person designated by the mayor 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 city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1984 Code, § 12-209, modified)

CHAPTER 3

STREET NAME AND PROPERTY NUMBER SYSTEM

SECTION

- 16-301. Street name system established.
- 16-302. Streets to be named before acceptance.
- 16-303. Property numbering system established.
- 16-304. Numbers to be posted.
- 16-305. Violations.

16-301. Street name system established. The official system of street names in the City of Munford is shown on the map entitled Munford-Atoka Street Names, a copy of which is made part of this chapter and is on file in the city hall. Names of streets in the City of Munford shall remain as shown on said map unless officially changed by specific ordinance passed subsequent to this date. (1984 Code, § 12-301)

16-302. Streets to be named before acceptance. No new streets shall be accepted by the city nor municipal improvements made thereon until such streets have been named according to guidelines approved by the mayor and board of aldermen. (1984 Code, § 12-302)

16-303. Property numbering system established. All principal buildings within the corporate limits of Munford shall hereafter be identified by reference to a uniform numbering system established by the Tipton County Emergency Communications District. (1984 Code, § 12-303, modified)

16-304. Numbers to be posted. Numerals indicating the official number for each building entrance which is assigned a number shall be posted in such a manner as to be visible from the street on which the property is located. (1984 Code, § 12-305, modified)

16-305. Violations. Violations of this chapter shall constitute a misdemeanor and shall be punishable under the general penalty provision of this municipal code of ordinances. (1984 Code, § 12-306)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. General collection and storage regulations.
- 17-104. Residential collection.
- 17-105. Commercial collection.
- 17-106. Collection vehicles.
- 17-107. Disposal.
- 17-108. Service user fees--residential collection.
- 17-109. Violations and penalty.
- 17-110. Initial enrollment.

17-101. Definitions. For the purpose of administering this chapter, the following definitions shall apply:

- (1) "Bags." Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top with a total weight of a bag and its contents not to exceed thirty-five (35) pounds.
- (2) "Bin." A metal receptacle that can be lifted and emptied mechanically for use at commercial units, commonly referred to as a "dumpster."
- (3) "Bulky waste." Used and discarded mattresses and box springs, refrigerators, water tanks, washing machines, furniture, and other waste materials other than construction debris, dead animals, hazardous waste or yard waste with weights or volumes greater than those allowed for containers.
- (4) "Commercial refuse." All bulky waste, construction debris, garbage, and rubbish generated by a producer at a commercial unit.
- (5) "Commercial unit." All premises, locations or entities, public or private, require refuse collection within the corporate limits of Munford, which are not a residential unit.
- (6) "Construction debris." Waste building materials resulting from construction, remodeling, repair or demolition operations.

¹Municipal code reference

Property maintenance regulations: title 13.

(7) "Containers." Strong, durable, and rodent and insect proof receptacles for holding and storing solid wastes prior to collection and disposal by the city, and meeting the following specifications:

Contractor or city-owned, 96-gallon rolling containers with attached lids and in "as new" condition.

(8) "Contractor." The person, firm, corporation, or partnership performing refuse collection and disposal under the terms of a contract with the City of Munford.

(9) "Curbside." Refers to that portion of the right-of-way adjacent to paved or traveled city roadways, including alleys.

(10) "Dead animals." Animals or portions thereof equal to or greater than ten (10) pounds that have expired from any cause, except those slaughtered or killed for human use or consumption.

(11) "Garbage." Every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not limited to used tin cans and other food containers, and all putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents), any and all dead animals of less than ten (10) pounds, except those slaughtered for human consumption, except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or yard waste.

(12) "Hazardous waste." Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law.

(13) "Producer." An occupant of a residential or commercial unit that generates refuse.

(14) "Recyclable materials." Newsprint, glass, plastic containers, etc., which are placed in the recyclable materials containers or in some manner separated from the waste stream.

(15) Refuse. This term shall refer to residential and commercial garbage, bulky waste, construction debris, and yard waste generated at a residential or commercial unit unless the context otherwise requires.

(16) "Residential refuse." All garbage, rubbish, and yard wastes generated by a producer at a residential unit.

(17) "Residential unit." A dwelling within the corporate limits of the city occupied by a person or group of persons comprising not more than four (4) families. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of six (6) or less contiguous or separate single-family dwelling units, shall be treated as a

residential unit, except that each single-family dwelling within any such residential unit shall be billed separately as a residential unit.

(18) "Rubbish." All waste wood, wood products, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, or hazardous waste.

(19) "Storm debris." Limbs, building debris and other materials generated by storms or other disasters.

(20) "White goods." Appliances, including but not limited to, clothes washers, dryers, cook stoves, refrigerators, dishwashers, etc.

(21) "Yard waste." All tree trimmings, dead trees, or branches thereof, grass clippings, garden trimmings, brush trimmings, weeds and roots from which all dirt has been removed. Trees and branches shall be a maximum of five feet (5') in length and no more than five inches (5") in diameter. (1984 Code, § 8-201, as replaced by Ord. #2013-05-01, Aug. 2013)

17-102. Premises to be kept clean. All persons within the city 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. (1984 Code, § 8-202, as replaced by Ord. #2013-05-01, Aug. 2013)

17-103. General collection and storage regulations. (1) Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the city where refuse accumulates or is likely to accumulate, shall secure and keep covered an adequate number of refuse containers as defined in this title. Furthermore, except for containers that the city or its contractor handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge and brush clippings, and similar materials shall be cut to a length not to exceed five feet (5') and five inches (5") in diameter and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection.

(2) City employees and those employed by the city's contractor are not authorized to enter garages or to collect from porches. No employee of the city or its contractor is required to enter any area where a vicious animal is harbored.

(3) Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any 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.

(4) **Burning.** It shall be unlawful to burn trash or garbage in any container used for garbage pick-up and no such container shall be emptied by the city or its contractor when there is evidence of burning. (Ord. #94-2, Jan. 1994, as replaced by Ord. #2013-05-01, Aug. 2013)

17-104. Residential collections. (1) it is hereby declared the exclusive right of the City of Munford to engage in the collection, removing, and disposal of residential refuse within the corporate limits of the city. It shall be unlawful for any person other than the city or its authorized contractor to engage in the business of collecting, removing, and disposing of residential refuse in the city, except those private collectors specifically authorized by the city. This does not prohibit establishments from collecting and hauling their own refuse so long as such refuse is stored, collected and hauled as prescribed in this chapter.

(2) Containers shall be placed at curbside by 6:00 A.M. on the designated collection day. Empty containers shall be removed from curbside within twenty-four (24) hours after collection.

(3) Weekly pick-up shall be established according to a schedule approved by the board of mayor and aldermen.

(4) All collections from residential units shall be collected at the curb and only refuse within the container(s) shall be collected. Loose refuse or bagged refuse will not be collected. When construction work is being performed in the right-of-way which prohibits placement of the containers at the curbside, containers shall be placed as close as practicable to an access point for the collection vehicle. (Ord. #94-2, Jan. 1994, as replaced by Ord. #2013-05-01, Aug. 2013)

17-105. Commercial collection. Each commercial producer shall have its solid wastes collected at least one (1) time per week by the vendor of their choosing, and may arrange for additional collections as needed. Small commercial accounts that can be accommodated by the city's residential collection service may choose to use the city's service under the same terms as residential collection regulations. (1984 Code, § 8-205, as replaced by Ord. #2013-05-01, Aug. 2013)

17-106. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials that 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. (1984 Code, § 8-207, as replaced by Ord. #2013-05-01, Aug. 2013)

17-107. 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. (1984 Code, § 8-208, as replaced by Ord. #2013-05-01, Aug. 2013)

17-108. Service user fees--residential collection. (1) There is hereby established a residential garbage service user fee to be charged to and collected from each participating household in the City of Munford, Tennessee on a monthly basis.

(2) Household is defined, for the purpose of this section, as all occupied residential units within the City of Munford to which garbage and refuse pick up service is furnished by the city, and available for use, and for which pick up service is not otherwise required to be provided as a commercial unit or apartment development in excess of six (6) units.

(3) The residential collection service user fee is established at the rate of eighteen dollars (\$18.00) per month per residential household for the first container. Additional containers shall be at the rate of ten dollars (\$10.00) each per month per container. The per container charge shall be adjusted on an annual basis in an amount equal to the percentage change in the Consumer Price Index for Urban Areas (CPI-U, US City Average, All Items) for the prior calendar year as determined by the U.S. Department of Labor. The residential collection service user fee shall also be adjusted by a percentage amount equal to the percentage increase granted to the contractor each year due to the fuel cost adjustment as provided in the bid specifications. Said annual adjustments shall be effective with the July billing cycle each year. The board of mayor and aldermen may reject the automatic adjustment by passage of a resolution.

(4) User fees shall be added to the city utility billing whenever possible. The city administrator is authorized and directed to institute collection mechanisms, rules and regulations and means as shall be deemed by the city administrator to be efficient, appropriate and expedient to effect collections. (as added by Ord. #2013-05-01, Aug. 2013)

17-109. Violations and penalty. (1) It is unlawful to refuse or neglect to pay the monthly residential garbage service user fee when billed. Each user shall be given ten (10) days from the billing date to make payment to the city. Late fees and penalties for non-payment shall be charged in accordance with the fee schedule established in title 18, chapter 1, § 18-127 of the Munford Municipal Code.

(2) Each thirty (30) day period that the service fee remains unpaid shall subject the owner or the tenant, whichever is the user, to a separate fifty dollar (\$50.00) civil fine for non-payment. (as added by Ord. #2013-05-01, Aug. 2013)

17-110. Initial enrollment. During the forty-five (45) days following the adoption of the ordinance comprising this chapter or by 5:00 P.M. on November 1, 2013, whichever is later, current city residents will have the opportunity to "opt out" of receiving the residential collection service by completing a form that will be provided to all city residents. Persons who decide to opt out will not be billed for this service, but may opt in and receive the service in the future, and will at that time be billed accordingly. After the forty-five (45) day time period expires or at 5:00 P.M. on November 1, 2013, has passed, whichever is later, those residents who do not opt out as provided above and any new residents moving into the city thereafter will be billed for this refuse service, and will not have the ability to opt out. (as added by Ord. #2013-05-01, Aug. 2013)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER, SEWERS AND GAS.
2. SEWAGE DISPOSAL.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. FATS, OILS AND GREASE.

CHAPTER 1

WATER, SEWERS AND GAS

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Water, sewer and gas main extensions.
- 18-108. Water, sewer and gas main extension variances.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Multiple services through a single meter.
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- 18-113. Discontinuance or refusal of service.
- 18-114. Re-connection charge.
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- 18-121. Unauthorized use of or interference with water or gas supply.
- 18-122. Limited use of unmetered private fire line.
- 18-123. Damages to property due to water or gas pressure.
- 18-124. Liability for cutoff failures.
- 18-125. Restricted use of water or gas.

¹Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

18-126. Interruption of service.

18-127. Schedule of rates and fees.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water, sewer or gas service from the City of Munford and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1984 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water, sewer or gas service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water, sewer or gas main of the City of Munford to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water or gas main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water, sewer or gas bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1984 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the City of Munford before connection or meter installation orders will be issued and work performed. (1984 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water, sewer or gas service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a non-refundable connection fee, shall not obligate the city to render the service for which applied. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant. (1984 Code, § 13-104, as amended by Ord. #2006-06-01, June 2006)

18-105. 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, sewer or gas service. (1984 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the City of Munford from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water, sewer or gas service line will be laid by the City of Munford, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the city the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer.

This section shall not apply to those sewer connections commonly referred to as "step" systems. "Step" system connection charges and service lines shall be governed in accordance with the policies adopted by the board of mayor and aldermen by appropriate resolution or ordinance. (1984 Code, § 13-106, modified)

18-107. Water, sewer and gas main extensions. Persons desiring water, sewer or gas main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the city 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 city, such water, sewer or gas mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the City of Munford to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the city water, sewer and gas systems and shall furnish water, sewer and gas 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. (1984 Code, § 13-107)

18-108. Water, sewer and gas main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the City of Munford and its inhabitants to construct a water, sewer or gas 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, sewer or gas main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1984 Code, § 13-108)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the City of Munford.

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 city. No one shall install any pipe or other device which will cause water or gas to pass through or around a meter without the passage of such water or gas being registered fully by the meter. (1984 Code, § 13-109)

18-110. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount as set by the board from time to time by resolution.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the City of Munford. (1984 Code, § 13-110, modified)

18-111. Multiple services through a single meter. No customer shall supply water, sewer or gas service to more than one dwelling or premise from

a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water or gas used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water, sewer and gas charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water or gas so allocated to it, such computation to be made at the city's applicable water or gas rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1984 Code, § 13-112)

18-112. Billing. Bills for residential water, gas and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Both charges shall be collected as a unit; no city employee shall accept payment of water or gas service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water and/or gas service may be discontinued for non-payment of the combined bill.

Water, gas and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water or gas is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1984 Code, § 13-113, as amended by Ord. #2006-06-01, June 2006)

18-113. Discontinuance or refusal of service. The city shall have the right to discontinue water, gas and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

The right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the City of Munford for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1984 Code, § 13-114)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge as set by the board from time to time by resolution, shall be collected by the city before service is restored. (1984 Code, § 13-115, modified)

18-115. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1984 Code, § 13-116)

18-116. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the City of Munford, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1984 Code, § 13-117)

18-117. Inspections. The City of Munford shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water, sewer or gas service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the City of Munford.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1984 Code, § 13-118)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1984 Code, § 13-119)

18-119. Customer's responsibility for violations. Where the city furnishes water, sewer and gas 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. (1984 Code, § 13-120)

18-120. Supply and resale of water or gas. All water and gas shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or gas or any part thereof except with written permission from the City of Munford. (1984 Code, § 13-121)

18-121. Unauthorized use of or interference with water or gas supply. No person shall turn on or turn off any of the city's stop cocks, valves,

hydrants, spigots, or fire plugs without permission or authority from the city. (1984 Code, § 13-122)

18-122. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1984 Code, § 13-123)

18-123. Damages to property due to water or gas pressure. The city 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 city's water or gas mains. (1984 Code, § 13-124)

18-124. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water or gas enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1984 Code, § 13-125)

18-125. Restricted use of water or gas. In times of emergencies or in times of water or gas shortage, the city reserves the right to restrict the purposes for which water or gas may be used by a customer and the amount of water or gas which a customer may use. (1984 Code, § 13-126)

18-126. Interruption of service. The city will endeavor to furnish continuous water, gas and sewer service, but does not guarantee to the customer

any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city's water, gas and sewer systems, the water or gas supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The City of Munford 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. (1984 Code, § 13-127)

18-127. Schedule of rates and fees. All water, gas and sewer service shall be furnished under such rates and fees as the city may from time to time adopt by appropriate ordinance or resolution.¹ (1984 Code, § 13-111, modified, as replaced by Ord. #2006-06-01, June 2006)

¹Administrative ordinances are of record in the office of the recorder and treasurer.

CHAPTER 2**SEWAGE DISPOSAL**¹**SECTION**

- 18-201. General provisions.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Private domestic wastewater disposal.
- 18-205. Regulation of holding tank waste disposal.
- 18-206. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-207. Discharge regulations.
- 18-208. Industrial user monitoring, inspection reports, records, access and safety.
- 18-209. Enforcement and abatement.
- 18-210. Penalty: costs.
- 18-211. Fees and billing.
- 18-212. Validity.

18-201. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Munford, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (a) To protect the public health;
- (b) To provide free wastewater collection and treatment service;
- (c) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements will cause physical damage to the wastewater treatment system and facilities;
- (d) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (e) To enable the City of Munford to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations;
- (f) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

¹Municipal code reference
Plumbing code: title 12, chapter 2.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Munford must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system, or where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting resulting from the operation, maintenance, and capital activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Munford, Tennessee, and to persons outside the city, who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except otherwise provided herein, the Water and Sewer Superintendent of the City of Munford shall administer, implement, and enforce the provisions of this chapter. (1984 Code, § 8-301(1))

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated:

(1) "Act" or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

(2) "Approval authority" - The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "Authorized Representative of Industrial User" - An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical Oxygen Demand (BOD)" - The quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration milligrams per liter (mg/l).

(5) "Building sewer" - A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards" - National Categorical Pretreatment Standard.

(7) "City" - The City of Munford or the Mayor and Board of Aldermen, City of Munford, Tennessee.

(8) "Compatible pollutant" - shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(9) "Cooling water" - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(10) "Control authority" - The term "control authority" shall refer to the "approval authority" defined herein above, or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(11) "Customer" - means any individual, partnership, corporation, association, or group who receives sewer service from the city, under either an express or implied contract requiring payment to the city for such service.

(12) "Direct discharge" - The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Domestic wastewater" - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(14) "Environmental Protection Agency, or EPA" - The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designated official of the agency.

(15) "Garbage" - shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(16) "Grab sample" - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste" - Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(18) "Incompatible pollutant" - shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge" - The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(21) "Interference" - The inhibition or disruption of the city wastewater treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of

sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National Categorical Pretreatment Standard or Pretreatment Standard" - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NPDES (National Pollutant Discharge Elimination System)" - shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollutant Control Act as amended.

(24) "New Source" - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such source is therefore promulgated within 120 days of the proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person" - Any individual, partnership, co-partnership, firm, company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the single shall include the plural where indicated by the context.

(26) "pH" - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollution" - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the water.

(28) "Pollutant" - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(29) "Pretreatment or treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or by other means, except as prohibited by 40 CFR Section 40.36 (d).

(30) "Pretreatment requirements" - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly Owned Treatment Works (POTW)" - A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Munford who are, by contract or agreement with the City of Munford users of the City of Munford's POTW.

(32) "POTW Treatment Plant" - That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" - is mandatory; "May" is permissive.

(34) "Slug" - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flow during the normal operations or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State" - State of Tennessee.

(36) "Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(37) "Storm water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer" or "storm drain" - Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(39) "Superintendent" - The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(40) "Suspended solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

(41) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA (307(a)) or other Acts.

(42) "Twenty-four (24) Hour Flow Proportional Composite Sample" - A sample consisting of several effluent portions collected during a 24-hour period in which the proportions of sample are proportioned to the flow and combined to form a representative sample.

(43) "User" - Any person who contributes, causes, or permits the contribution of wastewater into the city's POTW.

(44) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems" - Defined the same as POTW.

(46) "Waters of the State" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (1984 Code, § 8-301(2))

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Munford, Tennessee, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge into any waters of the state within the service area of the City of Munford any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage unless approved by the superintendent and the mayor and board of aldermen.

(d) Except as provided in § 18-203(1)(e) below, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the service area and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

(e) The owner of manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES

permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-204 of this chapter.

(2) Physical connection to public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-206 of this chapter.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for any building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent, to meet all requirements of this chapter. All others must be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be four (4) inches.

(ii) The minimum depth of a building sewer shall be eighteen (18) inches.

(iii) Four (4) inch building sewers shall be laid on a grade greater than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of:

(A) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) Cast iron soil pipe with leaded or compression joints;

(C) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and -1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and

plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed, in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the superintendent or his authorized representative.

(b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city. (1984 Code, § 8-302)

18-204. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available as defined under the provisions of § 18-203(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the superintendent and the Tipton County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the superintendent and the Tipton County Health Department. The owner shall supply any plans, specifications and other information as are deemed necessary by the superintendent and the Tipton County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the superintendent and the Tipton County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the superintendent and the Tipton County Health Department when work is ready for final inspection shall be made by the superintendent and the Tipton County Health Department.

(d) The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee and the superintendent and the Tipton County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the superintendent and the Tipton County Health Department. (1984 Code, § 8-303)

18-205. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association or corporation desiring a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an

application on the prescribed form. Upon such application, said permit shall be issued by the superintendent when the conditions of the chapter have been met and providing the superintendent is satisfied that the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the city to be set as specified in § 18-211. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Munford. (1984 Code, § 8-304)

18-206. Applications for domestic wastewater discharge and industrial wastewater discharge permits. (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-203 of the chapter, and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that

conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to, the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such

additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports of discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(x) Requirements for notification of slug discharged;

(xi) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine (9) months of the promulgated of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraphs (2)(b) and (2)(b)(iii) above. The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit under the provisions of this chapter is subject to be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent discharge reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (1984 Code, § 8-305)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two

(2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, pauch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW'S effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to Interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C (104° F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has known will cause interference with the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates public nuisance.

(n) Any waters or wastes containing fats, gas, grease or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty (150) degrees F (0 and 65° C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(2) Limitations on discharge strength: Table A. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

TABLE A
USER DISCHARGE RESTRICTIONS

<u>Pollutant</u>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & Herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.0
Zinc	3.0	5.0

*Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the effluent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same or changes are needed for more effective operation of the POTW.

TABLE B
PLANT PROTECTION CRITERIA

Parameter	Maximum Concentration mg/l (24 Hour Flow) (Proportional Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Aluminum		
dissolved (AL)	3.00	6.00
Antimony (Sb)	0.50	1.00
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.00
Boron (B)	0.40	0.80
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt (Co)	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (Cn)	0.03	0.06
Fluoride (F)	0.60	1.20
Iron (Fe)	3.00	6.00
Lead (Pb)	0.10	0.20
Manganese (Mn)	0.10	0.20
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	0.001	0.002
Phenols	1.00	2.00
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.10
Sulfide	25.00	40.00
Zinc (Zn)	0.30	0.60
Total Kjeldahl		
Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.00
BOD	*	
COD	*	
Suspended Solids	*	

*Not to exceed the design capacity of treatment works.
BDL = Below Detectable Limits.

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of any such special agreements or arrangements between the city and user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria.

(a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-207(1) and 18-207(2) of this chapter. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if expected, will not:

- (i) Interfere with the normal collection and operation of the wastewater treatment system.
- (ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for the concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-207 and grant an exception only if such

exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1318) and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(8) Accidental discharge. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from implant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this section. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge or waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1984 Code, § 8-306)

18-208. Industrial user monitoring, inspection reports, records, access and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling and metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user,

allow the facility to be constructed in the public street right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent an existing notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways or facilities for waste treatment.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which is limited by pretreatment standards and requirements and the average and maximum daily flow for these process units is the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for

inspection and copying by the superintendent, director of the Division of Water Quality Control, Tennessee Department of Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1984 Code, § 8-307)

18-209. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limit requirements or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within thirty (30) days of the issuance of the cease and desist order.

- (3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause

before the mayor and board of aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The mayor and board of aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the mayor and board of aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the mayor and board of aldermen for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the mayor and board of aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county.

(5) Emergency termination of services. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the

emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated and corrected.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisances.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person the chapter or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or impairment to any other physical or occupational facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Munford shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (1984 Code, § 8-308)

18-210. Penalty: costs. (1) Civil penalties. Any user who is found to have violated an order of the mayor and board of aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) for each offense. Each day of which violation shall occur or continue shall be deemed a separate and distinct offense. In

addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both. (1984 Code, § 8-309)

18-211. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recover of costs from user's of the city's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the city may deem necessary to carry out the

requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-206 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the mayor and board of aldermen.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

(i) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) or less.

(ii) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The mayor and board of aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(i) All users who fall under Class I and Class II shall pay a single lump sum charge per month. The monthly lump sum charge shall be determined as follows:

$$\text{MUC} - \frac{\text{T.S.C.}}{\text{NC}}$$

Where:

MUC = Monthly User Charge

T.S.C. = the total operation and maintenance, administration, and debt service determined by yearly budget projections

NC = Number of Customers

(6) Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged on the issuance of an industrial wastewater discharge fee in accordance with § 18-206 of this chapter.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates. (1984 Code, § 8-310)

18-212. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction to the City of Munford, Tennessee. (1984 Code, § 8-311)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Objectives.
- 18-302. Definitions.
- 18-303. Compliance with T.C.A.
- 18-304. Regulated.
- 18-305. Permit required.
- 18-306. Inspections.
- 18-307. Correction of violations.
- 18-308. Required devices.
- 18-309. Installation criteria.
- 18-310. Statement required.
- 18-311. Penalty: discontinuance of water supply.
- 18-312. Provision applicable.

18-301. Objectives. The objectives of this chapter are to:

- (1) Protect the public potable water system of Munford Water System from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;
- (2) Promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;
- (3) Provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (1984 Code, § 8-401, as replaced by Ord. #2012-09-01, Oct. 2012)

18-302. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

- (1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than six inches (6"). Where a discharge line

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than six inches (6").

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premise, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps, taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements 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 system.

(13) "Person" shall mean 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 country.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for Human Consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Munford Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the manager of the Munford Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1984 Code, § 8-402, as replaced by Ord. #2012-09-01, Oct. 2012)

18-303. Compliance with T.C.A. The Munford Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Munford Water System shall comply with Tennessee Code Annotated, § 68-221-711 as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (1984 Code, § 8-403, as replaced by Ord. #2012-09-01, Oct. 2012)

18-304. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Munford Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Munford Water System if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the manager of the Munford Water System.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(5) For existing premises, personnel from the Munford Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1984 Code, § 8-404, as replaced by Ord. #2012-09-01, Oct. 2012)

18-305. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Munford Water System for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Munford Water System. (1984 Code, § 8-405, as replaced by Ord. #2012-09-01, Oct. 2012)

18-306. Inspections. (1) The manager or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections

and re-inspection shall be based on potential health hazards involved, and shall be established by the Munford Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation.

(2) Right of entry for inspection. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Munford Water System public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (1984 Code, § 8-406, as replaced by Ord. #2012-09-01, Oct. 2012)

18-307. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Munford Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection

prior to a due process hearing. (1984 Code, § 8-407, as replaced by Ord. #2012-09-01, Oct. 2012)

18-308. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Munford Water System that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Munford Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Munford Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (High Risk High Hazards), the cross-connection control inspector shall require immediate or a short amount of time (14 days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (a) High risk high hazards:
 - (i) Mortuaries, morgues, autopsy facilities;
 - (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;

- (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;
- (iv) Premises with auxiliary water supplies or industrial piping systems;
- (v) Chemical plants (manufacturing, processing, compounding, or treatment);
- (vi) Laboratories (industrial, commercial, medical research, school);
- (vii) Packing and rendering houses;
- (viii) Manufacturing plants;
- (ix) Food and beverage processing plants;
- (x) Automated car wash facilities;
- (xi) Extermination companies;
- (xii) Airports, railroads, bus terminals, piers, boat docks;
- (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
- (xiv) Metal plating, pickling, and anodizing operations;
- (xv) Greenhouses and nurseries;
- (xvi) Commercial laundries and dry cleaners;
- (xvii) Film laboratories;
- (xviii) Petroleum processes and storage plants;
- (xix) Restricted establishments;
- (xx) Schools and educational facilities;
- (xxi) Animal feedlots, chicken houses, and CAFOs;
- (xxii) Taxidermy facilities;
- (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of ninety (90) days maximum will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease.¹

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Munford Water System as needing protection.

¹ See Appendix A of manual which is of record in the water department.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly; except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises. (1984 Code, § 8-408, as replaced by Ord. #2012-09-01, Oct. 2012)

18-309. Installation criteria. (1) The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Munford Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by the Munford Water System, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Munford Water System. The complete

assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of plus forty degrees Fahrenheit (+40°F) with an outside temperature of minus thirty degrees Fahrenheit (-30°F) and a wind velocity of fifteen miles per hour (15 mph).

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one device has been installed and the continuance of service is critical, the Munford Water System shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Munford Water System may require the installation of a duplicate device.

(p) The Munford Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Munford Water System. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premise. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Munford Water System.

(2) Testing of devices. Devices shall be tested at least annually by the Munford Water System by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Munford Water System and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. There will be no charge for annual testing.

(3) Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations in the judgment of the Munford Water System, such coding is necessary to identify and protect the potable water supply. (1984 Code, § 8-409, as replaced by Ord. #2012-09-01, Oct. 2012)

18-310. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Munford Water System a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (1984 Code, § 8-410, as replaced by Ord. #2012-09-01, Oct. 2012)

18-311. Penalty: discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or

interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #2012-09-01, Oct. 2012)

18-312. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Munford Water System and are hereby made part of the conditions required to be met for the Munford Water System to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (as added by Ord. #2012-09-01, Oct. 2012)

CHAPTER 4

FATS, OILS AND GREASE

SECTION

- 18-401. Purpose.
- 18-402. Definitions.
- 18-403. Control plan for FOG and food waste/grease trap requirement.
- 18-404. General requirements.
- 18-405. Design requirements.
- 18-406. Grease trap maintenance and pumping.
- 18-407. Biological additives.
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- 18-409. Sand, soil and oil interceptors.
- 18-410. Commercial laundry requirements.
- 18-411. Control equipment.
- 18-412. Alteration of control methods.
- 18-413. Enforcement and penalties.
- 18-414. Severability.

18-401. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant. (as added by Ord. #2017-11-01, Dec. 2017)

18-402. Definitions. (1) "Food service facilities." (a) For purposes of this chapter, a "food service facility" is any facility whose primary activity is preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

(b) In addition, any facility whose primary activity is not preparing, serving or otherwise making available foodstuffs for consumption, but which does prepare, serve or otherwise make available for consumption foodstuffs as a secondary activity, shall be classified as a food service facility if it uses a deep fryer.

(c) Food service facilities may include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons,

jails, churches, camps, caterers, manufacturing plants, and all other sewer users that discharge applicable waste into the city's systems, as determined by the City of Munford.

(2) "Grease." Material composed primarily of Fats, Oil, and Grease (FOG) from animal or vegetable sources. For purposes of this chapter, the words "fats, oil and grease" are all together sometimes called "grease." Grease does not include petroleum based products.

(3) "Grease trap." A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the city's sanitary sewer collection and treatment system. Grease traps also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

(4) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the city's wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the City of Munford.

(5) "Person." As used in this chapter, "person" means and includes any individual, business entity, for-profit or non-profit corporation, limited liability company, partnership or limited partnership, and any other entity or association engaged in activities subject to this chapter.

(6) "User." Any person or establishment, including those located outside the jurisdictional limits of the city, who contributes, causes, or permits the contribution or discharge of wastewater into the city's wastewater collection and treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater. (as added by Ord. #2017-11-01, Dec. 2017)

18-403. Control plan for FOG and food waste/grease trap requirement. (1) Pumping/maintenance control plan required. Before undertaking any new construction, renovation, or expansion of a food service facility, the owner, tenant, developer or other intended user of such facility shall submit to the city a FOG and food waste control plan that shows the user's plan for pumping and maintenance of the grease trap that will effectively control the discharge of undesirable materials into the city's wastewater collection system. This submittal must be included with the application for a building permit.

(2) Existing food service facilities. Food service facilities in existence as of the effective date of the ordinance comprising this chapter shall also be required to submit to the city a FOG and food waste control plan that shows the proposed plan for pumping and maintenance of its grease trap to effectively control the discharge of undesirable materials into the city's wastewater

collection system. Existing food service facilities shall have three (3) months after the effective date of the ordinance comprising this chapter to submit a control plan as described in subsection (1) above and to implement a control plan.

(3) Grease trap for existing food service facilities. Any existing food service facility that is not undertaking new construction, renovation or expansion but that does not have a grease trap shall have a period of six (6) months after the effective date of the ordinance comprising this chapter to install such a grease trap and notify the city of such installation and to submit its control plan as required under § 18-403(1). There will be no "grandfathering."

(4) City right to monitor. The City of Munford shall have the right to monitor the waste haulers who provide service to the food service facilities or other facilities with a grease trap attached to the City of Munford's sewerage system in order to insure proper pumping and disposal of pumpage and maintenance of required information and to require their compliance with the applicable provisions of this chapter. (as added by Ord. #2017-11-01, Dec. 2017)

18-404. General requirements. (1) Installation requirements. All existing, proposed, or newly remodeled food service facilities inside the City of Munford's wastewater service area shall be required to install, at the user's expense, an approved grease trap and to properly operate and maintain such grease trap at all times.

(2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

(4) Garbage grinders/disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used, it must be connected to the grease trap. The use of grinders is discouraged, since use of a grinder decreases the operational capacity of the grease trap and requires an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers. Commercial dishwashers in food service facilities required to have grease traps under this chapter must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized to allow enough detention time so that water will cool to the temperature at which grease will solidify and float to the top of the trap.

(6) Location. Every grease trap shall be installed outside the building and upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without prior written approval by the City of Munford.

(7) Pass through limits. The current Munford Sewer Use Ordinance¹ applies to those persons subject to this chapter.

(8) Waiver. The city reserves the right to waive elements of the general requirements on a case by case basis, at the request of the affected user, and provided the city determines that such waiver will not adversely affect the city's wastewater and sewer system. (as added by Ord. #2017-11-01, Dec. 2017)

18-405. Design requirements. (1) Construction. Grease traps shall be constructed in accordance with the City of Munford's standards and shall have a minimum of two (2) compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the City of Munford. Such approval shall be based on demonstrated removal efficiencies of the proposed device or technology.

(2) Access. Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to each grease trap shall be provided by two (2) manholes (one (1) on each compartment), which shall terminate at finished grade, with cast iron frame and cover.

(3) Load-bearing capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: where there is vehicular traffic in driving or parking areas).

(4) Inlet and outlet piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one (1) inlet and one (1) outlet pipe. (as added by Ord. #2017-11-01, Dec. 2017)

18-406. Grease trap maintenance and pumping.

(1) Cleaning/pumping required. The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency and to maintain compliance with Table B - Plant Protection Criteria of § 18-207 of the Munford Municipal Code. Maintenance of a grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or into any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. Cleaning/pumping of a grease trap shall include a thorough inspection of the trap and its component parts. Any needed repairs shall be noted and shall be made immediately at the user's expense.

The hauler (party who will clean and pump any grease trap) must notify the City of Munford at least two (2) business days prior to beginning the work.

¹Municipal code reference

Sewer use: title 18, chapter 2.

Such notice shall be sent by email to mwalker@munford.com or sbennard@munford.com or by phone 901-837-5990/5991.

(2) Cleaning/pumping frequency. Each grease trap must be pumped out completely a minimum of once every four (4) months, or more frequently, as determined by the City of Munford, as needed to prevent deposit of grease into the city's sanitary sewer system.

(3) Disposal. Every waste hauler who removes waste from any grease trap shall dispose of such waste at a facility approved to receive such waste in accordance with the provisions of this chapter and other applicable law. No pumpage removed by cleaning and/or pumping shall be returned to any private or public portion of the city's sanitary sewer collection system. All pumpage from grease traps must be tracked by a hauler's manifest, which identifies the pumping, hauling, and disposal of waste from each trap. Every hauler must provide a copy of such manifest to each customer, and every food service facility subject to this chapter must obtain from the hauler and retain for a period of twenty-four (24) months a copy of every such manifest.

(4) Maintenance log. A grease trap cleaning/maintenance log showing each pumping for the previous twenty-four (24) months shall be maintained by each food service facility. This log shall include the date, time, amount pumped, name and contact information of the hauler, and disposal site. Said log shall be kept in a conspicuous location for inspection by the city during normal business hours. Said log shall be made available to the City of Munford or its representative upon request.

(5) Submittal of records. Each user shall submit all cleaning and maintenance records to the City of Munford twice each year. Such submittals shall be due March 1st and September 1st. The maintenance records shall include the following information:

- (a) Facility name, address, contact person, and phone number;
- (b) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap;
- (c) Types of maintenance performed;
- (d) Dates maintenance was performed;
- (e) Date of next scheduled maintenance; and
- (f) Copies of haulers' manifests. The records shall be submitted

to:

Public Works Director
City of Munford
60 Water Street
Munford, TN 38058

(6) City inspections. The City of Munford will perform periodic inspections of food service facilities subject to this chapter and shall notify the user of any additional required maintenance or repairs needed for each grease

trap. Upon receipt of written notification by the city, the user shall be required to perform the maintenance and/or repairs and provide the city with a report and records of said maintenance within fourteen (14) calendar days. Upon inspection by the City of Munford the user may be required to install, at its expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

Each food service facility shall pay a one hundred dollars (\$100.00) annual inspection fee that shall be due and payable to the City of Munford on January 1, 2018 and on January 1 of each year thereafter. Notice of the payment due date of said fee shall be mailed by the city to each facility, at the facility address, at least thirty (30) days prior to January 1. (as added by Ord. #2017-11-01, Dec. 2017)

18-407. Biological additives. Any biological additive(s) placed into the grease trap or building discharge line, including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease, shall require written approval by the City of Munford prior to use. The use of such additives shall in no way be considered as a substitute for the maintenance and pumping procedures required herein. (as added by Ord. #2017-11-01, Dec. 2017)

18-408. Chemical treatment prohibited. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap. (as added by Ord. #2017-11-01, Dec. 2017)

18-409. Sand, soil, and oil interceptors. (1) Traps/interceptors required. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the City of Munford) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the City of Munford shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system.

(2) Oil/water separators. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the City of Munford.

18-410. Commercial laundry requirements. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the wastewater collection system of solids one-half inch (1/2") or larger in size such as rags, strings, buttons, or other solids detrimental to the system. (as added by Ord. #2017-11-01, Dec. 2017)

18-411. Control equipment. (1) The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed and installed in accordance with the International Plumbing Code as adopted by the City of Munford, the Tennessee Department of Environment and Conservation guidelines, and most current engineering standards, or other applicable guidelines approved by the City of Munford. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

(2) Control equipment shall be maintained by the owner and/or operator of the facility to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant.

(3) If the City of Munford is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof), the owner or operator shall be required to pay to the city, upon presentation of a statement of costs, all costs for labor, equipment, materials, and any overhead costs incurred by the city, in addition to any penalties or fines on account of any sanitary sewer overflow due directly to the stoppage.

(4) The city shall have the right to inspect and approve any and all installations of control equipment at all reasonable times. (as added by Ord. #2017-11-01, Dec. 2017)

18-412. Alteration of control methods. The City of Munford shall have the right to require additional control measures if existing control equipment is shown to be insufficient to protect the city's wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable material. (as added by Ord. #2017-11-01, Dec. 2017)

18-413. Enforcement and penalties. (1) This chapter shall be enforced by the Public Works Director of the City of Munford.

(2) Any person who violates this chapter, in part or whole, shall be guilty of a violation of the Munford Municipal Code. The city may either:

(a) Issue a citation to city court, in which case the alleged violator, upon conviction, shall be subject to pay a civil penalty not to

exceed fifty dollars (\$50.00) per day, plus payment to the city of all costs incurred to repair any damage to city property caused by the violation; or

(b) Bring an action against the alleged violator in state court, in which case alleged violator, upon conviction shall be subject to pay a civil penalty in the amount of up to one thousand dollars (\$1,000.00), plus payment to the city of all costs incurred to repair any damage to city property caused by the violation. In either case, each day that a violation exists shall constitute a separate offense.

(3) In addition to imposition of a civil penalty, the city shall be entitled to seek an injunction from a court of competent jurisdiction to require compliance with this chapter or to enjoin continued operation of a food service facility or a waste hauler subject to this chapter that is in violation hereof until such violation has been cured. (as added by Ord. #2017-11-01, Dec. 2017)

18-614. Severability. The provisions of this chapter are declared to be severable. If any provision of this chapter should be declared by a court of competent jurisdiction to be invalid or unenforceable, the portions of this chapter not so declared shall continue in full force and effect. (as added by Ord. #2017-11-01, Dec. 2017)

TITLE 19

ELECTRICITY AND GAS¹

CHAPTER

1. ELECTRICITY.

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be provided by Southwest Tennessee Electrical Cooperative.

19-101. To be provided by Southwest Tennessee Electrical Cooperative. Electricity shall be furnished for the city and its inhabitants by the Southwest Tennessee Electrical Coop. under the franchise granted by the board of mayor and aldermen. The rights, powers, duties, and obligations of the parties are clearly stated in the written franchise agreement which shall be binding on all parties concerned.² (1984 Code, § 13-201)

¹Municipal code reference

Electrical code: title 12.

Water, sewers and gas: title 18, chapter 1.

²The agreements are of record in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. FAIR HOUSING REGULATIONS.
2. CODE OF CONDUCT FOR USING RECREATION FACILITIES AND SERVICES.

CHAPTER 1

FAIR HOUSING REGULATIONS

SECTION

- 20-101. Policy.
- 20-102. Definitions.
- 20-103. Unlawful practice.
- 20-104. Discrimination in the sale or rental of housing.
- 20-105. Discrimination in the financing of housing.
- 20-106. Discrimination in the provisions of brokerage services.
- 20-107. Exemption.
- 20-108. Administration.
- 20-109. Education and conciliation.
- 20-110. Enforcement.
- 20-111. Investigations; subpoenas; giving of evidence.
- 20-112. Enforcement by private persons.

20-101. Policy. It is the policy of the City of Munford, Tennessee, to provide, within constitutional limitations, for fair housing throughout the city. (1984 Code, § 4-501)

20-102. Definitions. (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 thereon of any such building, structure, or portion thereof.

(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, trusts, 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 owned by the occupant.

(5) "Discriminatory housing project" means an act that is unlawful under §§ 20-104, 20-105 or 20-106. (1984 Code, § 4-502)

20-103. Unlawful practice. Subject to the provisions of § 20-103(2) and § 20-107, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104 shall apply to:

- (1) All dwellings except as exempted by § 20-103(2).
- (2) Nothing in § 20-104 shall apply to:

- (a) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house, prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

- (i) Without the use in any manner of the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and

- (ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-104(3) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

- (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- (3) For the purposes of § 20-103(2), a person shall be deemed to be in the business of selling or renting dwellings if:

- (a) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

- (b) He has, within preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more

transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling or intended for occupancy by, or occupied by, five or more families. (1984 Code, § 4-503)

20-104. Discrimination in the sale or rental of housing. As made applicable by § 20-103 and except as exempted by §§ 20-103(2) and 20-107 it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, 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 provision 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, or an intention to make any such preference, limitation, or discrimination.

(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.

(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. (1984 Code, § 4-504)

20-105. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or, other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in the connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-103(2). (1984 Code, § 4-505)

20-106. Discrimination in the provisions of brokerage services.

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 of conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (1984 Code, § 4-506)

20-107. Exemption. 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 a 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. Nor shall anything in this chapter prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (1984 Code, § 4-507)

20-108. Administration. (1) The authority and responsibility for administering this chapter shall be in the chief executive officer of the City of Munford.

(2) The chief executive officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the chief executive officer to further such purposes. (1984 Code, § 4-508)

20-109. Education and conciliation. Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of

implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (1984 Code, § 4-509)

20-110. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under § 20-110(3), the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the chief executive officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under § 20-110(1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved, may within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The chief executive officer will assist in this filing.

(4) If the chief executive officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred

or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. (1984 Code, § 4-510)

20-111. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his access to or the production of such materials or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court of the district in which the investigation is taking place. The chief executive officer may administer oaths.

(2) Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoenas of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after services of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoenas or lawful order of the chief executive officer shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The city attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this chapter. (1984 Code, § 4-511)

20-112. Enforcement by private persons. (1) The rights granted by §§ 20-103, 20-104, 20-105 and 20-106 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought to this section or § 20-110(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a);¹ or

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons

¹Subsection 15(a) refers to the subsection number contained in Ord. #85-4 from which this chapter was created. However, Ord. #85-4, insofar as it can be determined, does not contain a subsection 15(a). The compiler cannot figure out to what subsection 15(a) should be converted in this code format.

to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organization or facilities described in subsection 15(a),¹ or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (1984 Code, § 4-512)

¹Subsection 15(a) refers to the subsection number contained in Ord. #85-4 from which this chapter was created. However, Ord. #85-4, insofar as it can be determined, does not contain a subsection 15(a). The compiler cannot figure out to what subsection 15(a) should be converted in this code format.

CHAPTER 2

CODE OF CONDUCT FOR USING RECREATION FACILITIES AND SERVICES

SECTION

20-201. General.

20-202. Unsportsmanlike conduct and ejection policy.

20-203. Other penalties.

20-201. General. The following basic rules shall be followed, having been established in the best interest of users and recreational services facilities. Any additional rules posted at recreation facilities or directed by staff shall be enforced. Individuals not cooperating with established policies will be asked to leave the premises immediately and may be barred from further participation. (as added by Ord. #2002-08-01, Aug. 2002)

20-202. Unsportsmanlike conduct and ejection policy. (1) If a participant or spectator in a recreation program or facility is ejected from any facility (indoor or outdoor), program, contest, or activity, he/she is immediately ineligible for further access or competition in any recreation program or facility until he/she is cleared by the mayor or the mayor's designee responsible for the program in which unsportsmanlike conduct and/or ejection occurred.

(2) It is the participant's responsibility to schedule an appointment with the mayor or the mayor's designee to review his/her behavior and subsequent eligibility in any recreation program or facility. Participants and spectators suspensions are effective upon notification by the mayor or the mayor's designee. Suspension remains in force during the review process and the decision of mayor or mayor's designee is final.

(3) Any participant or spectator who commits, incites or aids others in committing any of the following acts of unsportsmanlike conduct or misconduct shall be subject to the following disciplinary procedures:

(a) When a participant or spectator hits, strikes, or pushes a recreation employee or coach--he/she shall be subject to indefinite suspension from recreation services and facilities. Participants or spectators may petition the mayor or the mayor's designee for reinstatement after a minimum of one calendar year.

(b) Threatening behavior (verbal or physical) toward a recreation employee or coach--he/she shall be subject to indefinite suspension from recreation programs and facilities for a minimum of two months.

(c) Threatening behavior (verbal or physical) toward another participant or spectators--he/she shall be subject to indefinite suspension from recreation programs or facilities for one month.

(d) Verbally abusing a recreation employee or coach, participant, user, or spectator--he/she shall be subject to indefinite suspension from recreation programs or facilities for a minimum of one month.

(e) Actions which could potentially cause equipment or facility damage--he/she shall be subject to indefinite suspension for a minimum of one week. The city may take additional legal action to recover the costs of damages to facilities and equipment.

(f) Participants and spectators are expected to be cooperative and honest when asked for identification and assistance in identifying individuals who may be involved in incidents. Failure to do so may result in suspension from the use of facilities or programs.

(g) Personal conduct situations that are not covered by the previous rulings will be dealt with in an appropriate manner by the mayor or the mayor's designee responsible for the program in which the unsportsmanlike conduct and/or ejection occurred. (as added by Ord. #2002-08-01, Aug. 2002)

20-203. Other penalties. Violation of the city's ejection policy shall be declared a public nuisance. Any participant or spectator who violates the terms and conditions of the ejection policy shall be guilty of a misdemeanor and shall be subject to a fine up to the maximum allowable under the laws of the State of Tennessee for each occurrence. (as added by Ord. #2002-08-01, Aug. 2002)

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ORDINANCE NO. 2002-04-07

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF MUNFORD TENNESSEE.

WHEREAS some of the ordinances of the City of Munford are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Munford, 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 "Munford Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MUNFORD, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Munford Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

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portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 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 city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

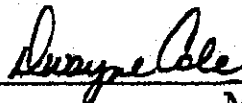
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Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the welfare of the city requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, March 25, 2002.

Passed 2nd reading, April 22, 2002.

Public hearing April 22, 2002.



Mayor



Recorder