

**THE  
NORRIS  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

March 1996

Change 9, January 11, 2016

**CITY OF NORRIS, TENNESSEE**

**MAYOR**

Chris Mitchell

**VICE MAYOR**

York Haverkamp

**COUNCIL MEMBERS**

Jack Black

Bill Grieve

Loretta Painter

**CITY RECORDER**

Janet Parks

**CITY MANAGER**

Tim Hester

## PREFACE

The Norris Municipal Code contains the codification and revision of the ordinances of the City of Norris, 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 clerk for a comprehensive and up to date review of the city's ordinances.

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

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

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

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

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

The able assistance of Sandy Selvage, the MTAS Senior 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 5. Effective Date of Ordinances. That the style of ordinance of the City of Norris shall begin, "Be it ordained by the City Council of the City of Norris as follows"; that a full and complete record of the proceedings of the City Council shall be kept by the City Clerk. He shall keep a separate book called the "Ordinance Book," in which shall be recorded all general ordinances passed by the Council. No ordinance shall become law until it shall have been read and passed in two different days in open session before its adoption, and not less than one week shall elapse between first and second readings, and any ordinances not so read shall be null and void.

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

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

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

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. CITY COUNCIL.
2. MAYOR.
3. CITY MANAGER.
4. CODE OF ETHICS.

**CHAPTER 1**

**CITY COUNCIL<sup>2</sup>**

**SECTION**

- 1-101. Meetings.
- 1-102. Councilmen serve without compensation.

**1-101. Meetings.** The regular meeting dates of the city council shall be the second and fourth Mondays of each calendar month at 7:00 P.M. (1972 Code, § 1-101)

**1-102. Councilmen serve without compensation.** City councilmen shall serve without compensation. (1972 Code, § 1-102)

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<sup>1</sup>Charter 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.

<sup>2</sup>Charter references

Compensation: art. II, § 15.

Oath of office: art. II, § 14.

Qualifications: art. II, § 7.

Terms of office: art. II, § 1.

Vacancy in office: art. II, § 12.

**CHAPTER 2****MAYOR<sup>1</sup>****SECTION**

## 1-201. Bond.

**1-201. Bond.** The mayor shall be covered by a fidelity bond with some surety company authorized to do business in the State of Tennessee as surety in the amount of ten thousand dollars (\$10,000) in compliance with art. V, § 11, of the Charter of the City of Norris. (1972 Code, § 1-201)

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<sup>1</sup>Charter references

Bond: art. V, § 11.

Duties: art. VI, § 2.

Oath of office: art. II, § 14.

Powers: art. VI, § 1.

Term of office: art. II, § 1.

Vacancy in office: art. II, § 12.

## CHAPTER 3

### CITY MANAGER

#### SECTION

- 1-301. Appointment, term, and qualifications of manager.
- 1-302. Council-manager relationships; personnel policy.
- 1-303. General powers and duties of the manager.
- 1-304. Acting city manager.
- 1-305. Exceptions to manager's powers, duties, and responsibilities.
- 1-306. Bond.

**1-301. Appointment, term, and qualifications of manager.** A city manager shall be appointed, pursuant to art. V, § 9, of the Charter of the City of Norris, to serve at the will of the city council. The manager shall be selected by the council on the basis of his training, experience, and other administrative qualifications for the office and without regard to his political or religious preference or his place of residence at the time of his appointment. (1972 Code, § 1-301)

**1-302. Council-manager relationships; personnel policy.** The city manager shall be administrative head of the city government under the direction of the city council. The manager shall be responsible to the council for the administration of all departments of the city government not operated under a separate board and for carrying out policies adopted by the council. The council hereby delegates to the city manager such powers and duties as it has to appoint, promote, suspend, transfer, and remove administrative officers and employees of the city. The manager may delegate part of his powers and duties to designated subordinates but he shall be responsible for their actions. Neither the council nor any member thereof shall give orders to the manager's subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the manager's subordinates. (1972 Code, § 1-302)

**1-303. General powers and duties of the manager.** All powers, duties, functions, and responsibilities heretofore prescribed for the city clerk by charter, ordinance, or resolution are hereby transferred to the city manager. The manager is also charged with the preservation of the public peace and health, the safety of persons and properties, the enforcement of laws, ordinances, and franchises, and the development and utilization of the city's resources. He shall make such reports and recommendations as he may deem desirable and perform such other duties as may be prescribed or required of him by the council. He shall have the right to take part in the discussion of all



matters coming before the council, but not the right to vote. (1972 Code, § 1-303)

**1-304. Acting city manager.** By letter on file in his office the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. The council may revoke such designation at any time and designate some other person as acting manager. (1972 Code, § 1-304)

**1-305. Exceptions to manager's powers, duties, and responsibilities.** The waterworks and sewer system shall remain under the Norris Water Commission as provided for in title 18, chapter 2, of this code with no changes in the custody, administration, operation, maintenance, and control.

The city judge shall continue to be elected as provided in art. VII of the charter. (1972 Code, § 1-305)

**1-306. Bond.** The city manager shall be covered by a fidelity bond with some surety company authorized to do business in the State of Tennessee as surety in the amount of fifty thousand dollars (\$50,000) in compliance with art. V, § 11, of the Charter of the City of Norris. (1972 Code, § 1-306)

## CHAPTER 4

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the City of Norris. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any

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

Campaign finance - T. C. A. title 2, chapter 10.

Conflict of interest - T. C. A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements - T. C. A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials - T. C. A. - § 2-1;.122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T. C. A. § 39-15-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information - T. C. A. § 39-16-401 and the following sections.

Ouster law - T. C. A. § 8-47-101 and the following sections.

separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "city" or "City of Norris" include these separate entities. (as added by Ord. #490, March 2007)

**1-402. Definition of "personal interest."** (1) For purposes of §§ 1-103 and 1-104, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a city council not otherwise regulated by state statutes on conflicts of interest; 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), grandparent(s), sibling(s), child(ren), or step child(ren).

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #490, March 2007)

**1-403. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may reclude himself<sup>1</sup> from voting on the measure. (as added by Ord. #490, March 2007)

**1-404. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city manager. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, reclude himself from the exercise of discretion in the matter. (as added by Ord. #490, March 2007)

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

**1-405. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city.

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #490, March 2007)

**1-406. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #490, March 2007)

**1-407. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the City of Norris Council to be in the best interest of the city. (as added by Ord. #490, March 2007)

**1-408. 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. #490, March 2007)

**1-409. Outside employment.** A full-time employee of the city may not accept any outside employment without written authorization from the department head. (as added by Ord. #490, March 2007)

**1-410. Ethics complaints.** (1) The city manager 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 manager 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 manager 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 city manager's judgment, constitutes a violation of this code of ethics.

(b) The city manager may request city council hire an attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city council, council members 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 council determines that a complaint warrants further investigation, it shall authorize an investigation by the city manager or another individual or entity chosen by city council.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #490, March 2007)

**1-411. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the City of Norris Council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #490, March 2007)

## TITLE 2

### BOARDS AND COMMISSIONS, ETC.

#### CHAPTER

1. RECREATION COMMISSION.
2. COMMUNITY DEVELOPMENT BOARD.
3. TREE COMMISSION.
4. RECYCLE COMMISSION.
5. ANIMAL SHELTER COMMISSION.
6. NORRIS LIBRARY COMMISSION.
7. NORRIS LITTLE THEATRE BOARD.
8. DESIGN REVIEW COMMISSION.

#### CHAPTER 1

### RECREATION COMMISSION

#### SECTION

- 2-101. Creation, members, terms, compensation, vacancies.
- 2-102. General powers and duties.
- 2-103. Gifts for recreational purposes.
- 2-104. Powers reserved to the council.

#### **2-101. Creation, members, terms, compensation, vacancies.**

Pursuant to Tennessee Code Annotated, title 11, chapter 9, there is hereby created a city "recreation commission" which shall consist of the mayor, city council representative, and five (5) Norris residents, to be appointed by the mayor and ratified by council to serve for terms of three (3) years or until their successors are appointed. However, the first members shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of the recreation commission shall serve without pay. Any vacancy in the commission occurring otherwise than by expiration of a term shall be filled only for the unexpired term, and such appointment shall be made by the mayor. (1972 Code, § 1-901)

**2-102. General powers and duties.** The recreation commission is hereby empowered and directed to provide, establish, maintain, and conduct a supervised recreation program for residents of the City of Norris, utilizing such playgrounds, recreation centers, and other land, facilities, and appropriations as the city council may designate or appropriate for recreational activities. Utilizing only such funds as may be appropriated for its use by the city council and such additional funds as it may receive gratuitously, the recreation commission may employ play leaders, playground directors, supervisors,

recreation superintendents, and such other officers or employees as it deems proper. (1972 Code, § 1-902)

**2-103. Gifts for recreational purposes.** The recreation commission may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or recreation purposes, but if the acceptance thereof for such purpose will subject the city to additional expense for improvement, maintenance, or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the city council. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest, shall be deposited by the treasurer of the city to the account of the recreation commission and the same may be withdrawn and paid out in the same manner as money appropriated for recreational purposes. (1972 Code, § 1-903)

**2-104. Powers reserved to the council.** It is intended and hereby expressly provided that the recreation commission shall have only those powers herein granted. The city council expressly reserves to itself all powers to purchase, condemn, or lease lands and buildings; to issue bonds; and to levy taxes for recreational purposes. (1972 Code, § 1-904)

## CHAPTER 2

### COMMUNITY DEVELOPMENT BOARD

#### SECTION

2-201. Creation.

2-202. Members, terms, vacancies, compensation, quorum, etc.

2-203. Mission and functions.

2-204. General powers and duties.

2-205. Annual report.

2-206. Intra-city cooperation.

2-207. Powers reserved to city council.

**2-201. Creation.** A board known as the Norris Community Development Board is hereby created. (1972 Code, § 1-1401; replaced by Ord. #443, May 1998)

**2-202. Members, terms, vacancies, compensation, quorum, etc.** The commission shall consist of a voting and non-voting membership as follows:

(1) Voting members. The commission shall have seven (7) voting members: one (1) city council member, one (1) planning commission member, and five (5) citizens of the city, each of whom shall be appointed by the mayor, and ratified by the city council. The terms of the voting city council member and the voting planning commission member shall be concurrent with their terms of office, and the terms of the five (5) voting citizens of the city shall be three (3) years, unless otherwise designated by city council. Any vacancy in the office of a voting member, except a vacancy occurring by the expiration of a term of office, shall be filled only for the unexpired term by the mayor.

(2) Non voting members. The commission shall also consist of such other non-voting ex officio members as the mayor may appoint and the city council ratify. Non-voting members shall have a voice on the board, but no right to introduce motions or any other measures. Non-voting members shall serve at the pleasure of the mayor.

(3) Compensation and quorum. Both voting and non-voting members shall serve without pay. A quorum of the board shall consist of three (3) voting members. (1972 Code, § 1-1402, as replaced by Ord. #443, May 1998, and amended by Ord. #513, Jan. 2010)

**2-203. Mission and functions.** The mission of the Norris Community Development Board is to be a catalyst for conscious management and enhancement of natural, historic and economic resources, while allowing Norris to preserve its heritage and to prosper. The functions of the board are to:



(1) Act as a public forum for the discussion of ideas, needs, and development; and to enhance communication and education of the community at large.

(2) Serve Norris City Council and other city boards and commissions by acting as a "think tank" for the generation of ideas; and to assist those boards and commissions as requested.

(3) Foster and strengthen connections between the City of Norris and surrounding governments, businesses, and development initiatives; while promoting the city's natural landscape, historic heritage, and the unique relationship it has with the Tennessee Valley Authority.

(4) Assist and support city businesses and merchants, in order to maintain a vibrant and viable community. (1972 Code, § 1-1403; replaced by Ord. #443, May 1998)

**2-204. General powers and duties.** The board's activities will be guided by the strategies identified in the City of Norris "The Norris Five-Year Plan 1998-2003" adopted by the planning commission and approved by the city council on March 23, 1998. The Norris Five-Year Plan shall be periodically evaluated and amended by the planning commission and approved by the council as necessary. (1972 Code, § 1-1404; replaced by Ord. #443, May 1998)

**2-205. Annual report.** The board shall submit an annual report to city council and planning commission within six (6) weeks after the close of each fiscal year. The report shall summarize accomplishments and problems of the board for the year. (1972 Code, § 1-1405; replaced by Ord. #443, May 1998)

**2-206. Intra-city cooperation.** The board and other city agencies, including but not limited to, the planning commission, water commission, and watershed board, shall cooperate with each other in accomplishing the missions and functions of the board under this chapter. (1972 Code, § 1-1406; replaced by Ord. #443, May 1998)

**2-207. Powers reserved to city council.** The board shall have only those powers granted to it under this chapter; all other powers are reserved to the city council. (1972 Code, § 1-1407; replaced by Ord. #443, May 1998)

## CHAPTER 3

### TREE COMMISSION

#### SECTION

- 2-301. Creation, members, terms, compensation, vacancies.
- 2-302. Duties and responsibilities.
- 2-303. Operation.
- 2-304. Definitions.
- 2-305. Street tree species to be planted.
- 2-306. Spacing.
- 2-307. Removal of stumps.
- 2-308. Cooperation with other segments of city government.

**2-301. Creation, members, terms, compensation, vacancies.** A commission to be known as the "Norris Tree Commission" is hereby created. The commission shall consist of the mayor or his duly authorized representative and six (6) Norris residents to be appointed by the mayor and ratified by council to serve for terms of three (3) years or until their successors are appointed. However the first members shall be appointed for such terms that the term of two (2) members shall expire annually thereafter. The members of the commission shall serve without pay. Any vacancy in the commission occurring otherwise than by expiration of a term shall be filled only for the unexpired term, and such appointment shall be made by the mayor. (1972 Code, § 1-1601)

**2-302. Duties and responsibilities.** It shall be the responsibility of the commission to develop and administer a written plan for the planting, maintenance, and removal of trees or other growth on all municipal lands of any character whatsoever including all parks, "commons" or any other open space and the entire right of way of all public highways including state roads, county roads, and city streets with the sole exception of the City of Norris Watershed, utilizing such facilities and appropriations as the city council may designate. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Norris.

The commission shall also advise council concerning other worthwhile activities to improve the physical environment and improve the esthetic quality of the community. (1972 Code, § 1-1602)

**2-303. Operation.** The commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (1972 Code, § 1-1603)

**2-304. Definitions.** (1) "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

(2) "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park. (1972 Code, § 1-1604)

**2-305. Street tree species to be planted.** The following list constitutes the street tree species for Norris. No species other than those included in this list may be planted as street trees without written permission of the tree commission.

<u>Large Trees</u>	<u>Medium Trees</u>	<u>Small Trees</u>
Tulip Poplar	Red Maple	Flowering Dogwood
Sugar Maple	Norway Maple	Eastern Redbud
Red Oak	Willow Oak	Flowering Crabapple
White Oak	Ginkgo (Male Only)	Hawthorn
Pin Oak	Sawtooth	American Holly
Hemlock		Bradford Pear
Eastern White Pine		
Southern Magnolia		
Sweetgum		

(1972 Code, § 1-1605)

**2-306. Spacing.** The spacing of street trees will be in accordance with the three species size classes listed in § 2-305, and no trees may be planted closer together than the following: Small trees, twenty (20) feet; medium trees, thirty (30) feet; and large trees, forty (40) feet; except in special plantings designed or approved by the commission.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with three species size classes listed in § 2-305, and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

No street tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the nearest intersection, curbs or curb lines. No street tree shall be planted closer than ten (10) feet of any fireplug.

No street trees other than those species listed as small trees in § 2-305 may be planted under or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility. (1972 Code, § 1-1606)

**2-307. Removal of stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (1972 Code, § 1-1607)

**2-308. Cooperation with other segments of city government.** Council stresses the desirability of cooperation between the tree commission and all other segments of city government and volunteer citizen groups. (1972 Code, § 1-1608)

## CHAPTER 4

### RECYCLE COMMISSION

#### SECTION

2-401. Creation, members, terms, compensation, vacancies.

2-402. Duties and responsibilities.

2-403. Operation.

**2-401. Members, terms, compensation, vacancies.** The recycle commission shall consist of seven (7) Norris residents nominated by the mayor and approved by council to serve for terms of three (3) years or until their successors are appointed. Commission members shall serve without pay. Vacancies in unexpired terms will be filled by the mayor with council's ratification. (Ord. #416, March 1995)

**2-402. Duties and responsibilities.** The commission shall report to the city manager and through him to city council. The commission shall work with other city organizations as needed, to help maintain an effective and economical solid waste recycling program for the city. The commission shall work to maximize the recycling of solid waste within the city.

The commission shall promote conservation of resources such as energy, water, and clean air by the residents of and the visitors to Norris. These efforts will consist mainly of (but not be limited to) public education through local schools, newspapers and electronic media.

Any proceeds generated from the commission's recycling activities shall go into the city's general fund as a recycling line item under user fees and charges. The commission shall only spend funds appropriated by the city council and duly coordinated and authorized by the city manager.

The commission shall advise the city manager and council of any cost-effective ways of using recycled material in the city's operations and of any emerging methods for conservation of scarce resources. (1972 Code, § 1-1802, as replaced by Ord. #554, July 2012)

**2-403. Operation.** The commission shall choose its own officers and maintain records of all activities and actions. A majority of the members shall be a quorum, and a quorum is required to transact business. Minutes and reports will be forwarded to city council. (1972 Code, § 1-1803)

## CHAPTER 5

### ANIMAL SHELTER COMMISSION

#### SECTION

2-501. Creation.

2-502. Members, terms, compensation, vacancies.

2-503. Basic purposes.

2-504. General powers and duties.

2-505. Annual report.

2-506. Cooperation with other segments of city government.

2-507. Powers reserved to council.

**2-501. Creation.** A commission to be known as the Norris Animal Shelter Commission is hereby created. (Ord. #421, June 1995)

**2-502. Members, terms, compensation, vacancies.** The commission members shall consist of the mayor or his duly authorized representative, and six (6) Norris residents, to be appointed by the mayor and ratified by council to serve for terms of three (3) years or until their successors are appointed. However, the first members shall be appointed for such terms that the term of two (2) members shall expire annually thereafter. The members of the commission shall serve without pay. Any vacancy in the commission occurring otherwise than by expiration of a term shall be filled only for the unexpired term, and such appointment shall be made by the mayor. (Ord. #421, June 1995, as amended by Ord. #522, Nov. 2010)

**2-503. Basic purposes.** The commission is to operate and maintain temporary holding facilities for dogs and cats. The commission is to provide sanitary conditions, to feed and water animals, and to allow adoption of animals after holding animals (see Norris Municipal Code, Title 10, Chapter 2, § 10-205, number 2). An animal may be held with the knowledge and consent of the city manager a maximum of (30) thirty days. The animal shelter commission may provide for the animals' well-being a licensed veterinarian for immunization, surgery, and/or diagnosis and treatment of injuries of animals as required at their own expense or from funds available to them from sources other than the City of Norris. The commission is authorized to send animals to Oak Ridge to be euthanized in accordance with the policies established at the Oak Ridge Animal Shelter. (Ord. #421, June 1995)

**2-504. General powers and duties.** The animal shelter commission is hereby empowered and directed to provide animals with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and

treatment. It shall be the responsibility of the commission reporting to the city manager (and through him city council) and working with other city departments as needed, to operate an effective and economical animal shelter for the city. The commission shall choose its own officers and maintain records of all activities and actions. Minutes and reports will be forwarded to city council. (Ord. #421, June 1995)

**2-505. Annual report.** The commission shall submit an annual report to council within six (6) weeks after close of each fiscal year. This report shall summarize accomplishments for the year. The commission shall also submit in its annual report a work plan for council's approval. The plan will include public education, volunteer recruitment and supervision. (Ord. #421, June 1995)

**2-506. Cooperation with other segments of city government.** Council stresses the desirability of cooperation between the Norris Animal Shelter Commission and all segments of the city government. (Ord. #421, June 1995)

**2-507. Powers reserved to council.** It is intended and hereby expressly provided that the animal shelter commission shall have only those powers herein granted. (Ord. #421, June 1995)

## CHAPTER 6

### NORRIS LIBRARY COMMISSION

#### SECTION

- 2-601. Creation.
- 2-602. Members, terms, compensation, vacancies.
- 2-603. Basic purposes.
- 2-604. General powers and duties.
- 2-605. Operations.
- 2-606. Cooperation with other segments of city government.
- 2-607. Powers reserved to council.

**2-601. Creation.** A commission to be known as the Norris Library Commission is hereby created. (as added by Ord. #458, Sept. 2000)

**2-602. Members, terms, compensation, vacancies.** The commission members shall consist of five (5) Norris residents, to be appointed by the mayor and ratified by council to serve for terms of three (3) years or until their successors are appointed. However, the first members shall be appointed for such terms that the term of one or two members shall expire annually thereafter. The members of the commission shall serve without pay. Any vacancy in the commission occurring otherwise than by expiration of a term shall be filled only for the unexpired term, and such appointment shall be made by the mayor. Ex officio members of the library committee shall include the Librarian of the Norris Library (i.e., the Betty Anne Jolly Community Library), and the Mayor of Norris. Ex officio members may attend library commission meetings, and participate in discussions, but do not have a vote in deliberations. (as added by Ord. #458, Sept. 2000)

**2-603. Basic purpose.** The Norris Library Commission is to:

- (1) Coordinate with the staff of the Betty Anne Jolly Community Library to promote an informed interest in the library and its services. The commission will act as a liaison between the library and the community, informing each of the needs of the other, and will sponsor community events and activities relating to library usage.
- (2) Provide special items for the library through fund-raising activities.
- (3) Encourage gifts, endowments, and memorials.
- (4) Promote volunteer activities and public participation, e.g. through a friends of the library group.
- (5) Be an advocate for the library with city, county, regional, and state governments and their related library organizations.
- (6) Support and assist the Norris Archives Committee with issues of mutual interest. (as added by Ord. #458, Sept. 2000)



**2-604. General powers and duties.** The Norris Library Commission is hereby empowered and directed to identify, recommend, and promote projects and activities to fulfill the objectives listed under § 2-603, Basic purposes, utilizing such facilities and appropriations as the city council may designate. The library commission has the authority to create a larger group for library support, namely a friends of the library organization.

The library commission is authorized to accept on behalf of the City of Norris any gift, grant, or bequest of money or other personal property for the use of the Betty Anne Jolly Community Library. Such gifts, grants, etc. will become the property of the City of Norris, and are tax-deductible to the donor. If any gift, grant, etc., will obligate the City of Norris to any expenditure of money or other liability, then the acceptance of such gift shall be subject to the approval of the Norris City Council. Any money received as a gift by the library commission shall be deposited with the city manager for deposit to the account of the library commission. A receipt for all gifts, grants, etc. will be provided to the donor. Money deposited in the account of the library commission may be drawn out and used for library purposes, in the same way as money appropriated to the library commission. (as added by Ord. #458, Sept. 2000)

**2-605. Operations.** The commission shall choose its own officers and shall maintain records of all meetings, activities, and actions. A quorum shall consist of three (3) voting members, and a quorum shall be required to conduct any business. Meetings shall be held quarterly, augmented with called meetings as necessary. Minutes and reports shall be submitted to city council. (as added by Ord. #458, Sept. 2000)

**2-606. Cooperation with other segments of city government.** Council stresses the desirability of mutual cooperation between the Norris Library Commission, the recreation commission, the archives committee, Norris Museum, and all other segments of the city government. (as added by Ord. #458, Sept. 2000)

**2-607. Powers reserved to council.** It is intended and hereby expressly provided that the Norris Library Commission shall have only those powers herein granted. (as added by Ord. #458, Sept. 2000)

## CHAPTER 7

### NORRIS LITTLE THEATRE BOARD

#### SECTION

2-701. Creation, members, terms, compensation, vacancies.

2-702. General powers and duties.

2-703. Operation.

2-704. Gifts for theatrical purposes.

2-705. Powers reserved to the council.

**2-701. Creation, members, terms, compensation, vacancies.** There is hereby created a city "Norris Little Theatre Board" which shall consist of seven (7) Norris residents, to be appointed by the mayor and ratified by council to serve for terms of three (3) years or until their successors are appointed. However, the first members shall be appointed for such terms that the term of two (2) members shall expire annually thereafter. The members of the Norris Little Theatre Board shall serve without pay. Any vacancy in the board occurring otherwise than by expiration of a term shall be filled only for the unexpired term, and such appointment shall be made by the mayor. (as added by Ord. #512, Jan. 2010)

**2-702. General powers and duties.** The Norris Little Theatre Board is hereby empowered and directed to provide, establish, maintain, and conduct a community theatre program for residents of the City of Norris, utilizing such facilities, and appropriations as the city council may designate or appropriate for theatrical activities. Utilizing only such funds as may be appropriated for its use by the city council and such additional funds as it may receive gratuitously, the Norris Little Theatre Board may employ directors, stage managers, and designers, and such other officers or employees, as it deems proper. (as added by Ord. #512, Jan. 2010)

**2-703. Operation.** The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. The officers shall include an "artistic director" who shall have veto powers regarding decisions of a creative nature. A majority of the members shall be a quorum for the transaction of business. (as added by Ord. #512, Jan. 2010)

**2-704. Gifts for theatrical purposes.** The Norris Little Theatre Board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for theatrical purposes, but if the acceptance thereof for such purpose will subject the city to additional expense for improvement, maintenance, or renewal, the acceptance of any grant or devise

of real estate shall be subject to the approval of the city council. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest, shall be deposited by the city recorder to the account of the Norris Little Theatre Board and the same may be withdrawn and paid out in the same manner as money appropriated for theatrical purposes. (as added by Ord. #512, Jan. 2010)

**2-705. Powers reserved to the council.** It is intended and hereby expressly provided that the Norris Little Theatre Board shall have only those powers herein granted. The city council expressly reserves to itself all powers to purchase, condemn, or lease lands and buildings; to issue bonds; and to levy taxes for theatrical purposes. (as added by Ord. #512, Jan. 2010)

## CHAPTER 8

### DESIGN REVIEW COMMISSION<sup>1</sup>

#### SECTION

2-801. Establishment.

2-802. Guidelines.

**2-801. Establishment.** The Norris Municipal Planning Commission is designated to serve as the Norris Design Review Commission hereafter referred to as the Norris DRC. All decisions by the Norris DRC may be appealed to the Norris City Council. (as added by Ord. #591, Jan. 2016)

**2-802. Guidelines.** The following design review guidelines shall be applied to all non-single family residential property within the corporate boundary of the City of Norris:

(1) The Norris DRC shall meet upon request prior to the regular meeting of the Norris Municipal Planning Commission.

(2) An application for a Norris DRC review including a site plan compliant with § 14-418 of the Norris Zoning Ordinance and other sections as may apply must be submitted to the enforcement official ten (10) days prior to the regular Norris Planning Commission meeting date. Applications to the Norris DRC shall include building elevation renderings that clearly indicate compliance with the minimum design standards adopted by the council.

(3) The front of commercial buildings must have the following:

(a) Differences in height for adjoining businesses must vary by at least two feet (2').

(b) Differences in front offset for adjoining businesses must vary by at least one foot (1'). All commercial buildings shall have differences in front offset unless building is fifty feet (50') wide or less at the front building line.

(c) Separating building material between commercial businesses must not be glass or metal.

(d) Building material creating differing heights must not be glass or metal.

(e) All mechanical equipment should be screened so not to be visible from the front or side of the building from adjacent streets.

(4) All design standards must be approved by city council by ordinance.

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<sup>1</sup>Municipal code reference

Planning commission: title 14, chapter 1.

(5) The design review commission may adopt its own bylaws, as long as such bylaws do not conflict with this chapter. (as added by Ord. #591, Jan. 2016)

**TITLE 3**

**MUNICIPAL COURT**

**CHAPTER**

**1. COURT COSTS.**

**CHAPTER 1**

**COURT COSTS**

**SECTION**

**3-101. Court costs.**

**3-101. Court costs.** City court costs shall be twenty-five dollars (\$25.00). (1972 Code, § 1-1701)

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

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES
2. PERSONNEL POLICY.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. SEXUAL HARASSMENT.

**CHAPTER 1****SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES****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 Norris 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. (1972 Code, § 1-701)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1972 Code, § 1-702)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1972 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. (1972 Code, § 1-704)

**4-105. Records and reports to be made.** The city manager shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1972 Code, § 1-705)



## CHAPTER 2

### PERSONNEL POLICY

#### SECTION

4-201. General personnel policy.

4-202. City manager to administer personnel system.

4-203. When effective.

4-204. Workplace harassment.

**4-201. General personnel policy.** The policy of the city shall be to employ those persons best qualified to carry out the functions of the city. To this end the council shall establish a personnel system providing for the appointment and promotion of city employees solely on the basis of competence and fitness. All employees shall be included in such personnel system except:

(a) Council members.

(b) Members of boards, commissions and committees and other council appointees who are not regular city employees.

(c) The city manager.

(d) Organizations and their employees and other persons who are engaged by the city on a contractual basis. (1972 Code, § 1-801)

**4-202. City manager to administer personnel system.** The city manager shall be responsible for the administration of the personnel system. The city manager shall develop, maintain, and apply suitable provisions for the classifications of positions and for the recruitment, compensation, training, promotions and disciplinary and related aspects of personnel management. The city manager shall develop and revise as necessary a comprehensive pay plan and personnel rules setting forth employment conditions. The city manager shall review such plans and rules annually and submit any proposed revisions to the council with recommendations for adoption.

The city manager shall adopt a comprehensive job performance evaluation procedure for all city employees. The city manager shall evaluate the job performance of the director of public safety and the director of public works annually and present them to city council by May 1 of each year. City council shall evaluate the city manager's job performance by May 1 of each year. (1972 Code, § 1-802)

**4-203. When effective.** Said general personnel policy upon its approval by the city council shall become effective and at that time shall become a part of this chapter as fully and completely as if set out herein. (1972 Code, § 1-803)

**4-204. Workplace harassment.** (1) General workplace harassment and violence.

(a) It is the policy of the City of Norris to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the local government's activities. The City of Norris will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

(b) No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:

(i) Verbal harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation, exaggerated criticism or name calling; spreading untrue or malicious gossip about others.

(ii) Physical harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

(iii) Visual harassment. Displaying derogatory or offensive posters, cartoons, publications or drawings.

(c) Under no circumstances are the following items permitted on local government property, including local government owned parking areas, except when issued or sanctioned by the local government for use in the performance of the employee's job:

- (i) All types of firearms, switchblade knives and knives with a blade longer than four inches (4");
- (ii) Dangerous chemicals;
- (iii) Explosives or blasting caps;
- (iv) Chains; or
- (v) Other objects carried for the purposes of injury or intimidation.

(d) Charges of violence and harassment may be reported to any supervisory employee of the local government, including the city recorder or the mayor. The city manager or designee is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the city manager may request that another professional provide assistance to the City of Norris and/or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

(e) Copies of the investigative report with recommendations for appropriate action will be turned over to the city manager as appropriate

for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

(2) Sexual harassment. The following actions constitute an unlawful employment practice and are absolutely prohibited by the local government when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

- (a) Sexual harassment or unwelcome sexual advances;
- (b) Requests for sexual favors;
- (c) Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
- (d) Explicit or implied job threats or promises in return for submission to sexual favors;
- (e) Inappropriate sexually oriented comments on appearance;
- (f) Embarrassing sexually oriented stories;
- (g) Displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
- (h) Sexual assault on the job by supervisors, fellow employees, or, on occasion, non-employees. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

(3) An employee who feels he/she is subjected to sexual harassment should immediately contact an administrative person with whom the employee feels the most comfortable. The city manager is the person the local government designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the city manager, the investigator shall be a local government employee appointed by the City of Norris City Council. (as added by Ord. #570, Aug. 2013)

### CHAPTER 3

#### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

##### SECTION

4-301. Basis of program.

4-302. Title.

4-303. City manager designated program director.

4-304. Program standards.

4-305. When effective.

**4-301. Basis of program.** In compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Norris, Tennessee, hereby establishess "The Occupational Safety and Health Program" for its employees. (1972 Code, § 1-1101)

**4-302. Title.** This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the City of Norris." (1972 Code, § 1-1102)

**4-303. City manager designated program director.** The City of Norris hereby designates the city manager hereinafter referred to as the "director," to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972 and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (1972 Code, § 1-1103)

**4-304. Program standards.** This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

(1) The director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace or environment where work is performed in the course of city employment by employees of the City of Norris; and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment and materials therein, and to question privately any supervisor or employee.

(2) The director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

(3) The director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for

said employees to recognize and report safety and health problems as defined in the applicable standards.

(4) All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials and imminent danger situations that may occur in their jobs.

(6) The director or his authorized representative shall upon any allegation of imminent danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case he or his authorized representative shall cause an immediate inspection of the alleged imminent danger location.

(7) Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.

(8) The director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work-related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours.

(10) The director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

(11) The director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

(12) The director shall apply this program to employees of each administrative department, commission, board, division or other agency of the City of Norris.

(13) The director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Norris in its Occupational Safety and Health Program.

(14) The director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action thereon shall be noted on said reports and signed by the director or his designees.

(15) In implementing the plan the director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, promulgated regulations and standards thereunder.

(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before October 1, 1973. (1972 Code, § 1-1103)

**4-305. When effective.** The plan, upon its approval by the Tennessee Department of Labor, shall become effective to the City of Norris and at this time shall become a part of this chapter as fully and completely as if set out herein. (1972 Code, § 1-1104)

## CHAPTER 4

### SEXUAL HARASSMENT

#### SECTION

4-401. Employees should report to city manager and/or mayor.

4-402. Investigation to be conducted.

4-403. Corrective action.

4-404. Communication of determination.

**4-401. Employees should report to city manager and/or mayor.**

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the city manager and/or the mayor. The City of Norris will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment. (1972 Code, § 1-1901)

**4-402. Investigation to be conducted.** The City of Norris will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. In doing the investigation, the City of Norris will try to be fair to all parties involved. (1972 Code, § 1-1902)

**4-403. Corrective action.** If the City of Norris determines that sexual harassment has occurred, corrective action will be taken. This corrective action may include a reprimand, demotion, discharge, or other appropriate action. The City of Norris will attempt to make the corrective action reflect the severity of the conduct. Sexual harassment by any employee will not be tolerated. (1972 Code, § 1-1903)

**4-404. Communication of determination.** If it is determined that no harassment has occurred or that there is not sufficient evidence that harassment occurred, this will be communicated to the employee who made the complaint, along with the reasons for this determination. (1972 Code, § 1-1904)

**TITLE 5**

**MUNICIPAL FINANCE AND TAXATION<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. SALES TAX.
6. PURCHASING PROCEDURES.
7. PURCHASING CARD PROVISIONS.
8. DEBT POLICY.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 5-101. Official depositories for city funds.
- 5-102. Fiscal year.
- 5-103. Procedures for sale of forest products.
- 5-104. Capital improvements program.

**5-101. Official depository for city funds.** (1) The official depositories for municipal funds shall be any FDIC insured bank and/or any FSLIC insured savings and loan association.

(2) Any depositories before being given custody of any city funds shall furnish adequate security to protect the interest of the city.

(3) Transfer from one depository to another shall be as authorized by resolution of the city council. (1972 Code, § 6-501)

**5-102. Fiscal year.** The fiscal year for the City of Norris shall be July 1 through June 30. (1972 Code, § 6-502)

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<sup>1</sup>Charter references: art. X.



**5-103. Procedures for sale of forest products.**<sup>1</sup> The following procedures shall be followed henceforth in the sale of sawtimber, pulpwood and other forest products.

(1) Sales shall be made in accordance with the objectives and policies set forth in the city council's resolution of March 23, 1954.

(2) All sales to be within clearly defined units, each sale to be approved in advance by the TVA Division of Forestry Development, the Tennessee Division of Forestry, or a competent consulting forester.

(3) Sawtimber and other forest products will be sold as marked trees or otherwise clearly designated stumpage. The city will make an advance estimate of the volume and quality involved.

(4) All sales to be made through competitive bidding by sealed bids or public auctions, and awards made to the highest responsible bidder, either on a price basis or, if determined to be preferable, on a most desirable overall basis after taking into consideration all other apparently applicable and favorable factors. The city retains the right to reject any and all bids.

(5) Public advertising of invitations will be required at least three weeks in advance. Bids will be opened in a public meeting and the successful bidder announced after award has been made by the city council. A suitable performance bond will be required before a bid is accepted.

(6) The successful bidder will be required to post a performance bond and enter a contract specifying products to be cut, time required for removal of products cut, and conditions to be met such as fire protection and other requirements making the operation compatible with the March 23, 1954, resolution. The contract will specify payments for stumpage according to a schedule anticipating the amount of forest products to be cut from time to time over the sale period. It will also specify a cash penalty for cutting unmarked trees.

(7) The above provisions shall apply to commercial timber sales only, commercial timber sales being defined as planned improvement or harvest cuttings which conform to the general provisions of the timber management plan. They shall not apply to salvage cuttings and sales necessitated by fire, wind, ice, snow or other unforeseeable destructive forces, or to cuttings of an experimental nature which are recommended and supervised by competent technical foresters. Noncommercial sales may be made on a negotiated basis with approval of the city council. (1972 Code, § 6-503)

**5-104. Capital improvements program.** As a part of the annual budget the city manager shall include a statement of pending capital projects

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<sup>1</sup>Municipal code reference

Authorization required for removal of trees on public property:  
§ 11-502.

and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amount, if any, proposed to be raised therefor by the issuance of bonds during the fiscal year. The city manager shall also include in the message, or attached thereto, a program of proposed capital projects for the five (5) fiscal years next succeeding the budget year together with his comments thereon and any estimate of costs. The capital improvements program shall be submitted to and reviewed by the planning commission as required by law. (1972 Code, § 6-504)

## CHAPTER 2

### REAL PROPERTY TAXES

#### SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-203. County assessments to be used.

**5-201. When due and payable.**<sup>1</sup> Taxes levied by the City of Norris against real property shall become due and payable annually on the first day of August of the year for which levied. (1972 Code, § 6-101)

**5-202. When delinquent--penalty and interest.**<sup>2</sup> All real property taxes shall become delinquent on and after the first day of September next after they become due and payable and shall thereupon be subject to such penalty and/or interest as is authorized and prescribed by the charter.<sup>3</sup> (1972 Code, § 6-102)

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<sup>1</sup>State 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.

<sup>2</sup>Charter 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.

<sup>3</sup>Charter 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.

**5-203. County assessments to be used.** The assessed value of real property in the City of Norris for county tax purposes shall also be the valuation used for city tax purposes. (1972 Code, § 6-103)

## CHAPTER 3

### PRIVILEGE TAXES

#### SECTION

5-301. Tax levied.

5-302. License required.

**5-301. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the said act. Provided, however, that the minimum tax for exterminators and contractors other than public road contractors shall be fifteen dollars (\$15.00) instead of one hundred dollars (\$100.00). (1972 Code, § 6-301)

**5-302. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1972 Code, § 6-302)

## CHAPTER 4

**WHOLESALE BEER TAX****SECTION**

5-401. To be collected.

**5-401. To be collected.** The city manager is hereby directed to take appropriate action to assure payment to the City of Norris of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1972 Code, § 6-401)

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<sup>1</sup>State law reference

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

## CHAPTER 5

### SALES TAX

#### SECTION

5-501. Tax levied.

5-502. When collection to begin.

5-503. State to collect for city.

5-504. Suits to recover taxes illegally assessed or collected.

5-505. Notice of tax levy.

**5-501. Tax levied.** As authorized by Tennessee Code Annotated, § 67-6-701, as amended, there is levied a tax in the same manner and on the same privileges subject to the Retailers' Sales Tax Act under TCA, title 67, chapter 6, as the same may be amended, which are exercised in Norris. The tax is levied on all such privileges at a rate of one-third of rates levied in the Retailers' Sales Tax Act, TCA, title 67, chapter 6, as amended, so long as the general state rate continues at 4.5 per cent, and at one-half of the state rates if and when the general state rate is reduced to 3 per cent. Provided with respect to industrial and farm machinery as defined in TCA, § 67-6-517, the tax thereon is imposed at the rate of one third of 1%. Provided further, the tax shall not exceed \$7.50 on the sale or use of any single article of personal property, and there is excepted from the tax levied by this chapter the sale, purchase, use, consumption or distribution of electric power or energy, or natural or artificial gas or coal and fuel oil, so long as such exception is required by state law. Penalties and interest for delinquencies shall be the same as provided in TCA, § 67-6-516. (1972 Code, § 6-201)

**5-502. When collection to begin.** If a majority of those voting in the election required by a TCA, § 67-6-706, vote for the ordinance,<sup>1</sup> collection of the tax levied by this chapter shall begin on the first day of the month occurring 30 or more days after the county election commission makes its official canvass of the election returns. (1972 Code, § 6-202)

**5-503. State to collect for city.** It having been determined by the Department of Revenue of the State of Tennessee that it is feasible for this tax to be collected by that department, said determination being evidenced by local option sales and use tax rules and regulations heretofore promulgated by the department of revenue, the department shall collect such tax concurrently with the collection of the state tax in the same manner as the state tax is collected in

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<sup>1</sup>The tax levied in this chapter was approved at a referendum held on November 7, 1978.

accordance with rules and regulations promulgated by said department. The city manager is hereby authorized to contract with the department of revenue for the collection of the tax by the department, and to provide in said contract that the department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of said tax. (1972 Code, § 6-203)

**5-504. Suits to recover taxes illegally assessed or collected.** In the event the tax is collected by the department of revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the city manager. (1972 Code, § 6-204)

**5-505. Notice of tax levy.** A certified copy of this chapter shall be transmitted to the said department of revenue by the city manager forthwith and shall be published one time in a newspaper of general circulation in Norris prior to the election called for in this chapter. (1972 Code, § 6-205)



**CHAPTER 6****PURCHASING PROCEDURES****SECTION**

5-601. Purchasing procedures.

**5-601. Purchasing procedures.** (1) As provided in TCA, § 6-56-301, et seq., the office of purchasing agent is hereby created and the city manager shall faithfully discharge the duties of said office. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body.<sup>1</sup>

(2) The city manager or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the city manager.

(3) Pursuant to Chapter No. 269 (SB839/HB1815) as passed by the 1999 Tennessee General Assembly the City of Norris hereby increases the amount of purchases before advertisement and competitive bidding is required to \$10,000.

(4) After initial approval by resolution of the governing body of this city, changes or revisions to the purchasing procedures shall be made as council approves. (1972 Code, § 6-505, as amended by Ord. #452, Nov. 1999)

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<sup>1</sup>Purchasing procedures made by the governing body are available in the office of the city clerk.

## CHAPTER 7

### PURCHASING CARD PROVISIONS

#### SECTION

#### 5-701. Provisions and transactions.

**5-701. Provisions and transactions.** (1) Purchasing cards, hereinafter referred to as P-cards, shall be issued to city and water commission department heads at the discretion of the city manager.

(2) P-cards are to be used only for city or water commission expenditures that directly pertain to the operation of the city and/or water commission.

(3) No travel or training expenses shall be paid for with a city P-card without advance approval from the city manager.

(4) P-cards are fully subject to all City of Norris Purchasing Procedures, including, but not limited to:

- (a) Purchase order requirements;
- (b) Spending limits;
- (c) Quotations;
- (d) Emergency purchasing procedure.

(5) In addition, P-card transactions shall require:

(a) Credit card receipts with receiving signatures and documentation of why the charge was incurred.

(b) Review and approval of the individual transactions by the city manager prior to payment of the monthly invoice statement.

(c) Review and approval of the city manager's P-card's detailed transactions and monthly statement in excess of one hundred dollars (\$100.00) by the mayor or vice-mayor prior to payment.

(6) P-card transactions shall be properly coded to specific ledger accounts electronically and:

- (a) Approved electronically by the appropriate department head;
- (b) Reviewed and approved electronically by the city recorder prior to sending to accounts payable for processing. (as added by Ord. #525, March 2011)

## CHAPTER 8

### DEBT POLICY

#### SECTION

- 5-801. Debt policy.
- 5-802. Definition of debt.
- 5-803. Approval of debt.
- 5-804. Transparency.
- 5-805. Role of debt.
- 5-806. Types and limits of debt.
- 5-807. Use of variable rate debt.
- 5-808. Use of derivatives.
- 5-809. Costs of debt.
- 5-810. Refinancing outstanding debt.
- 5-811. Professional services.
- 5-812. Conflicts.
- 5-813. Review of policy.
- 5-814. Compliance.

**5-801. Debt policy.** The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the City of Norris, Tennessee. This policy reinforces the commitment of the city and its officials to manage the financial affairs of the city so as to minimize risks, avoid conflicts of interest, and ensure transparency while still meeting the capital needs of the city. A debt management policy signals to the public and the rating agencies that the city is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

The goal of this policy is to assist decision makers in planning, issuing and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, greater stability over the long-term will be generated by the use of consistent guidelines in issuing debt. (as added by Ord. #543, Nov. 2011)

**5-802. Definition of debt.** All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (as added by Ord. #543, Nov. 2011)

**5-803. Approval of debt.** Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be

submitted to the State of Tennessee Comptroller's Office and the city council prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the city council; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (as added by Ord. #543, Nov. 2011)

**5-804. Transparency.** (1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspapers, bulletin boards, and websites.

(3) All costs (including principal, interest, issuance, continuing, and one (1) time) shall be clearly presented and disclosed to the citizens, city council, and other stakeholders in a timely manner.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, city council, and other stakeholders in a timely manner.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, city council, and other stakeholders in a timely manner. (as added by Ord. #543, Nov. 2011)

**5-805. Role of debt.** (1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowing by maintaining adequate working capital and close budget management.

(2) In accordance with generally accepted accounting principles and state law:

(a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (as added by Ord. #543, Nov. 2011)

**5-806. Types and limits of debt.** (1) The city will seek to limit total outstanding debt obligations to twenty percent (20%) (percent of assessments, per capita amount, etc.), excluding overlapping debt, enterprise debt, and revenue debt.

(2) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(3) The city's total outstanding debt obligation will be monitored and reported to the city council by the city manager. The city manager shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The city manager shall also report to the city council any matter that adversely affects the credit or financial integrity of the city.

(4) The city is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law.

(5) The city will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(6) As a rule, the city will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the city may utilize non-level debt methods. However, the use of such methods must be thoroughly discussed in a public meeting and the mayor and governing body must determine such use is justified and in the best interest of the city.

(7) The city may use capital leases to finance short-term projects.

(8) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The city may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the city. The city council and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the city's general fund. (as added by Ord. #543, Nov. 2011)

**5-807. Use of variable rate debt.** (1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the city also recognizes that are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks; including:

(a) The city will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the city council shall be informed of the potential affect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the city council shall be informed

of the potential affect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the city council will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation. (as added by Ord. #543, Nov. 2011)

**5-808. Use of derivatives.** (1) The city chooses not to use derivative or other exotic financial structures in the management of the city's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the city council; and

(b) The city council must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (as added by Ord. #543, Nov. 2011)

**5-809. Costs of debt.** (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or changes) shall be disclosed prior to action by the city council in accordance with the notice requirements stated above.

(2) In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e. general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes). (as added by Ord. #543, Nov. 2011)

**5-810. Refinancing outstanding debt.** (1) The city will refund debt when it is in the best financial interest of the city to do so, and the chief financial officer shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

(2) The chief financial officer will consider the following issues when analyzing possible refunding opportunities:

(a) Onerous restrictions. Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Restructuring economic purposes. The city will refund debt when it is in the best financial interest of the city to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the chief financial officer if the refunding generates positive present value savings, and the chief financial officer must establish a minimum present value savings threshold for any refinancing.

(c) Term of refunding issues. The city will refund bonds within the term of the originally issued debt. However, the chief financial officer may consider maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The chief financial officer may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(d) Escrow structuring. The city shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the city from its own account.

(e) Arbitrage. The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (as added by Ord. #543, Nov. 2011)

**5-811. Professional services.** The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) Counsel. The city shall enter into an engagement letter agreement with each lawyer or law firm representing the city in a debt transaction. (No engagement letter is required for any lawyer who is an employee of the city or lawyer or law firm which is under a general appointment or contract to serve as counsel to the city. The city does not need an engagement letter with counsel not representing the city, such as underwriters' counsel).

(2) Financial advisor. (If the city chooses to hire financial advisors, the city must select between the following options.) The city shall enter into a written agreement with each person or firm serving as financial advisor in debt management and transactions.

(a) In a competitive sale, the financial advisor shall not be permitted to bid on an issue for which they are or have been providing advisory services.

(b) In a publicly offered, negotiated sale, the financial advisor (either):

(i) Shall not be permitted to resign as financial advisor in order to underwrite an issue for which they are or have been providing advisory services; or

(ii) May resign as financial advisor only in advance of negotiations in order to underwrite an issue for which they are or have been providing advisory services.

(3) **Underwriter.** (If there is no financial advisor) in advance of pricing of the debt in a publicly offered, negotiated sale, the underwriter must provide information both as to interest rates and to takedown per maturity to the city council (or its designated official). (as added by Ord. #543, Nov. 2011)

**5-812. Conflicts.** (1) Professionals involved in a debt transaction hired or compensated by the city shall be required to disclose to the city existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the city to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (as added by Ord. #543, Nov. 2011)

**5-813. Review of policy.** This policy shall be reviewed at least annually by the city council with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with opportunity for public input. (as added by Ord. #543, Nov. 2011)

**5-814. Compliance.** (City designee) is responsible for ensuring compliance with this policy. (as added by Ord. #543, Nov. 2011)



## TITLE 6

### LAW ENFORCEMENT

#### CHAPTER

1. POLICE DEPARTMENT.
2. ALTERNATE CONFINEMENT FACILITY.

#### CHAPTER 1

### POLICE DEPARTMENT<sup>1</sup>

#### SECTION

- 6-101. Establishment; appointment and compensation of members.
- 6-102. Chief's powers and duties; acting chief; authority over firemen.
- 6-103. General duties of policemen.
- 6-104. Chief to prescribe rules and regulations for policemen and firemen.
- 6-105. Chief responsible for property and equipment.
- 6-106. Policemen to devote full time to police duties.
- 6-107. Chief to keep records.
- 6-108. Chief to make reports and recommendations.
- 6-109. Funds collected by department to be deposited with city manager.
- 6-110. Fees, rewards, etc., to be deposited with city manager.
- 6-111. Badges and uniforms, etc.
- 6-112. Appointment of chief and police officers.
- 6-113. Suspension, demotion, or removal of members.
- 6-114. Special policemen.
- 6-115. Standards for selection and training of police officers.

**6-101. Establishment; appointment and compensation of members.** There is hereby established the Police Department of the City of Norris, which shall consist of the chief of police and such police officers as the council shall prescribe by ordinance or resolution. All members of the police department shall be appointed pursuant to the charter and this chapter. They shall receive such compensation as shall be determined by ordinance or resolution, and such compensation shall be in lieu of all special fees, rewards, or remuneration arising from such police service. (1972 Code, § 1-401)

**6-102. Chief's powers and duties; acting chief; authority over firemen.** (1) The chief of police shall be the chief executive officer of the department and shall have direct control and management of all members of the

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<sup>1</sup>Charter reference: art. XVII.

department in the lawful exercise of their duties, subject to the provisions of law and of city ordinances, and subject to such other orders as may be issued by the city manager. The chief shall be responsible for the maintenance of order, the enforcement of laws and the ordinances and regulations of the city, the prevention of crime, and the protection of life and property. He shall maintain rigid discipline so as to secure complete efficiency in the department. In case of the absence or disability of the chief, the city manager shall designate another individual (a police officer) to be acting chief, and such acting chief shall perform the duties and exercise the power and authority of the chief but shall be entitled to no additional salary if already an employee of the City of Norris.

(2) All full-time salaried personnel and paid substitute firemen of the Norris Fire Department shall be responsible to the police chief when not on fire duty. When on fire duty (answering fire alarm, attending fire training sessions, and maintaining fire equipment) said personnel shall be under the complete authority of the fire chief, or in his absence, the ranking fire officer present.

(3) It shall further be the duty of the chief of police to secure replacements for the salaried firemen during vacation, sickness, or any other absence. (1972 Code, § 1-402)

**6-103. General duties of policemen.** The chief of police and any other police officer who shall hereafter be appointed shall perform such duties as may be required by law, ordinance, or city regulations, and such other duties as may be imposed by the city manager. Each member of the department shall give such police assistance as is necessary, or as may be directed by the city manager, to any other city department or city officer. (1972 Code, § 1-403)

**6-104. Chief to prescribe rules and regulations for policemen and firemen.** The chief of police shall adopt, subject to the approval of the city manager, rules and regulations for the government, discipline, equipment, and uniforms of police officers and paid firemen, fixing their duties, and prescribing penalties for violation of any such rules and regulations. (1972 Code, § 1-404)

**6-105. Chief responsible for property and equipment.** The chief of police shall have custody, care, and control of the public property and equipment of the police department, subject to the directions of the city manager. He shall conduct periodic surveys of such property and equipment, arrange for the salvaging of discarded or impaired items, and submit recommendations as to future needs. (1972 Code, § 1-405)

**6-106. Policemen to devote full time to police duties.** The chief of police and each regular police officer shall devote full time to police department duties and shall not engage in any other business, profession, or occupation, either directly or indirectly. (1972 Code, § 1-406)

**6-107. Chief to keep records.** It shall be the duty of the chief of police to keep an accurate and complete record of all complaints, arrests, traffic violations, convictions, and the disposition of each case handled by the department. The chief shall also keep a record of the accomplishments and performance of each police officer. (1972 Code, § 1-407)

**6-108. Chief to make reports and recommendations.** The chief of police shall, immediately following the end of each calendar month, submit to the city manager a written report on all activities and transactions of the department during the month. The chief shall make a complete annual report to the city manager within one month after the close of the fiscal year. He shall include either in the annual report, or with the proposed departmental budget for the ensuing year, such recommendations as he shall deem advisable with respect to departmental organization, personnel, property and equipment, and such other matters as he shall consider to affect the effective operation of the department in the public interest including suggested ordinances. (1972 Code, § 1-408)

**6-109. Funds collected by department to be deposited with city manager.** All funds, arising out of police department operations, that may be collected by any member of the department shall be deposited with the city manager not later than the succeeding business day. The chief of police shall file with the city clerk accompanying each such deposit a statement showing in detail the source of such receipts, and the chief shall affix thereto his certificate stating that the money so paid is all of the funds collected or received by the department since the preceding statement so filed. (1972 Code, § 1-409)

**6-110. Fees, rewards, etc., to be deposited with city manager.** All fees, rewards, and other special remuneration received by the police department or any member thereof shall be deposited with the city clerk. (1972 Code, § 1-410)

**6-111. Badges and uniforms, etc.** Each member of the police department shall wear a suitable badge, to be furnished by the city, and every member of the police department shall, while on duty, wear a uniform, which shall comply with the rules and regulations. The chief may issue written orders authorizing the performance of specific duty while not in uniform. Any member of the department who shall lose or destroy such badge or other property furnished by the city shall be required to pay the cost of replacement. Whenever any member shall terminate membership in the department he shall immediately deliver his badge and all other city property in his possession to the city manager, and all sums due said member shall be withheld pending such final settlement. (1972 Code, § 1-411)

**6-112. Appointment of chief and police officers.** The chief of police and each police officer shall be appointed by the city manager. (1972 Code, § 1-412)

**6-113. Suspension, demotion, or removal of members.** Each member of the department shall be subject to suspension without pay for a period of not exceeding thirty days, and also to demotion or removal from office or employment in accordance with art. II, § 9, of the Norris City Charter. (1972 Code, § 1-413)

**6-114. Special policemen.** The city manager may, the public welfare demanding, appoint as many special policemen as may be necessary. Each special policeman shall possess only those powers and perform only those duties as shall be specifically assigned to him by the chief of police. (1972 Code, § 1-414)

**6-115. Standards for selection and training of police officers.** All Norris police officers shall be selected and trained in accordance with standards prescribed in and pursuant to Tennessee Code Annotated, title 38, chapter 8.<sup>1</sup> (1972 Code, § 1-415)

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<sup>1</sup>See the resolution dated June 8, 1971.

## CHAPTER 2

### ALTERNATE CONFINEMENT FACILITY

#### SECTION

6-201. Anderson County Jail to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

**6-201. Anderson County Jail to be used.** The county jail is hereby designated as an alternate municipal workhouse or confinement facility, subject to such contractual arrangement as may be worked out with the county. (1972 Code, § 1-1201)

**6-202. Inmates to be worked.** All persons committed to the jail, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1972 Code, § 1-1202)

**6-203. Compensation of inmates.** Each jail inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him. (1972 Code, § 1-1203)

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. VOLUNTEER FIRE DEPARTMENT.
3. FIREWORKS.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 7-101. Fire department prohibited from connecting to restrictive fire hydrants.
- 7-102. When tanker trucks may connect to restrictive fire hydrants.
- 7-103. City manager to forward copy of this chapter.
- 7-104. City manager to inform emergency service agencies of location of hydrants not meeting state requirements.

**7-101. Fire department prohibited from connecting to restrictive fire hydrants.** The Norris City Fire Department is prohibited from connecting to restrictive fire hydrants--hydrants which cannot produce 500 gpm at 20 psi. (1972 Code, § 7-101)

**7-102. When tanker trucks may connect to restrictive fire hydrants.** Tanker trucks may connect to restrictive fire hydrants where they can take water by gravity flow without pumping from the fire hydrant. Pumper trucks that are modified so that water flows from the fire hydrant by gravity flow into the water tank on a pumper may be used, provided the fire department provides the City of Norris a written statement that it has modified its pumpers and has implemented policies to ensure that the pumper will not pump directly from the fire hydrant. (1972 Code, § 7-102)

**7-103. City manager to forward copy of this chapter.** The city manager is directed to forward, by certified mail, a copy of this chapter to all mutual aid fire departments where Norris city fire hydrants are located. (1972 Code, § 7-103)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

**7-104. City manager to inform emergency service agencies of location of hydrants not meeting state requirements.** The city manager is directed to inform the volunteer fire departments and other emergency service agencies of the location of each fire hydrant that does not meet state requirements. (1972 Code, § 7-104)

## CHAPTER 2

### VOLUNTEER FIRE DEPARTMENT<sup>1</sup>

#### SECTION

- 7-201. Creation and objective.
- 7-202. Officers.
- 7-203. Organization relationship of fire and public safety departments.
- 7-204. Powers and duties of director.
- 7-205. Volunteer membership.
- 7-206. Equipment.
- 7-207. Identification of fire personnel and vehicles; right-of-way; interference with department; false alarms.
- 7-208. Enforcement.
- 7-209. Social officers.
- 7-210. Compensation of volunteer members.

**7-201. Creation and objective.** A department to be hereafter known as the Norris Volunteer Fire Department is hereby created. The department's objective shall be the prevention and suppression of fire and the protection of life and property from fire within the limits of the City of Norris. (1972 Code, § 7-301)

**7-202. Officers.** (1) The department shall consist of the director of public safety, an assistant chief, other officers, volunteer firemen, salaried public safety officers, as the public safety department, and the city manager may deem necessary for the effective operation of the department.

(2) The assistant chief shall be appointed by the city manager for an indefinite period of time and his tenure of office shall depend upon his good conduct, efficiency, and willingness to serve. The assistant chief shall be technically qualified by training and experience and shall have ability to command men and hold their respect and confidence.

(3) The assistant chief and all other volunteer department and company officers shall be elected by a majority vote of the membership and appointed by the city manager. (1972 Code, § 7-302)

**7-203. Organization relationship of fire and public safety departments.** At the scene of a fire, at training sessions, and in maintenance of equipment the public safety director, or in his absence the assistant chief or ranking fire officer present, shall have sole authority over all fire fighters,

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<sup>1</sup>Municipal code reference

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



volunteer or paid, and over use of equipment. The public safety director shall maintain and post a list of ranking for all paid and volunteer men which shall determine chain of command on the fire scene. The city manager shall approve such list. (1972 Code, § 7-303)

**7-204. Powers and duties of the director.** (1) The director shall formulate a set of rules and regulations to govern the department within the limits of this chapter and shall be responsible to the city manager for the volunteer personnel, morale, and general efficiency of the department.

(2) The director shall determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms.

(3) The director shall at least once a month conduct drills or instruction in the operation and handling of equipment, first aid, rescue work, salvage, a study of buildings in the City of Norris, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(4) The director is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

(5) The director or his authorized representative is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.

(6) Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the director.

(7) The director shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel, and other information about the work of the department.

(8) The director shall report monthly to the city manager the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run.

(9) The director shall make a complete annual report to the city manager within one month after the close of the fiscal year, such report to include the information specified in subsection (7) above, together with comparative data for previous years, and recommendations for improving the effectiveness of the department.

(10) The mayor is hereby authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system, subject to approval by the

city council, and within the limits specified in the Tennessee law. (1972 Code, § 7-304)

**7-205. Volunteer membership.** (1) The volunteer membership of the department shall consist of such persons as may be elected by majority vote of the volunteers subject to approval and appointment by the city manager.

(2) Any volunteer member of the department may be suspended or discharged from the department by the public safety director at any time he may deem necessary for the good of the department. In such cases the public safety director shall notify the member in writing, giving the specific reasons for the action therefor. (1972 Code, § 7-305)

**7-206. Equipment.** (1) In acquisition of equipment the department shall specify National Fire Protection Association standards.

(2) Apparatus and equipment shall be purchased according to city charter provisions and in a manner designated by the city council.

(3) All equipment of the department shall be safely and conveniently housed in such places as may be designated by the city council.

(4) No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department.

(5) No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

(6) No apparatus shall be hired out or permitted to leave the City of Norris, except in response to a call for aid at a fire in a neighboring community, without the consent of the city council. The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with § 7-204(10) and in other cases only when the absence of such equipment will not jeopardize protection in the City of Norris. (1972 Code, § 7-306)

**7-207. Identification of fire personnel and vehicles; right-of-way; interference with department; false alarms.** (1) Each member of the department shall be issued a badge designating his rank.

(2) All marked motor equipment and all marked personal cars of department members shall have the right-of-way over all other traffic when responding to an alarm.

(3) Department members are authorized to attach fire department insignias to their automobiles to facilitate entry to fire areas.

(4) No person shall drive any vehicle over fire hoses except upon specific orders from the chief or other officer in charge.

(5) No unauthorized person with any vehicle shall follow within six hundred (600) feet of any apparatus belonging to the department nor park any vehicle within three hundred (300) feet of a fire.

(6) No person shall maliciously turn in or cause to be turned in a false alarm. (1972 Code, § 7-307)

**7-208. Enforcement.** (1) Any person violating any provision of this chapter shall be subject to a penalty under the general penalty clause for this code.

(2) All regularly appointed members of the department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this chapter. (1972 Code, § 7-308)

**7-209. Social officers.** (1) The fire department may elect a president, vice-president, secretary and treasurer, to be known as social officers. Such officers may be elected in any manner and for any term the membership may decide upon and their duties shall be to arrange for and manage any or all social functions sponsored by the department.

(2) The functions and duties of the social officers shall in no wise interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department. (1972 Code, § 7-309)

**7-210. Compensation of volunteer members.** All active volunteer members of the fire department will be compensated at the rate of one dollar (\$1.00) per year. (1972 Code, § 7-310)

## CHAPTER 3

### FIREWORKS

#### SECTION

7-301. Sale and manufacture of fireworks prohibited.

7-302. Definition of fireworks.

7-303. Discharge of fireworks prohibited within the city.

7-304. Violations.

7-305. Public fireworks displays.

**7-301. Sale and manufacture of fireworks prohibited.** The sale or manufacture of any fireworks within the corporate limits of the City of Norris, Tennessee, is prohibited. (as added by Ord. #585, Oct. 2015)

**7-302. Definition of fireworks.** "Fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (as added by Ord. #585, Oct. 2015)

**7-303. Discharge of fireworks prohibited within the city.** It shall be unlawful for any person to discharge any type of fireworks within the city limits. (as added by Ord. #585, Oct. 2015)

**7-304. Violations.** It shall be unlawful for any person or organization to violate any provision of this chapter. Violations shall be punished according to the general penalty provision of this code of ordinances. (as added by Ord. #585, Oct. 2015)

**7-305. Public fireworks displays.** Public fireworks displays will be permitted under the following conditions:

- (1) Public fireworks display is a city sponsored event
- (2) A draft site plan showing the location and lay-out of the area where the fireworks will be discharged will be required.

(3) Documented approval by the state fire marshal and other units of government as may be required by law. (as added by Ord. #585, Oct. 2015)

**TITLE 8**

**ALCOHOLIC BEVERAGES<sup>1</sup>**

**CHAPTER**

1. BEER.
2. INTOXICATING LIQUORS.

**CHAPTER 1**

**BEER<sup>2</sup>**

**SECTION**

- 8-101. Permit required for engaging in beer business.
- 8-102. Classes of permits.
- 8-103. Conditions prerequisite to issuance and continuance of permit.
- 8-104. Suspension or revocation of permits.
- 8-105. Civil penalty in lieu of suspension.
- 8-106. Privilege tax.
- 8-107. Restrictions on time of sales.

**8-101. 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 city council. The application shall be made on such form as the council shall prescribe and/or furnish, and pursuant to T.C.A., 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Norris. Each applicant must be a person of good moral character and certify that the has read and is familiar with the provisions of this chapter. (1972 Code, § 2-101, modified)

**8-102. Classes of permits.** There shall be two classes of permits issued by the city:

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>State 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).

(1) Class A. An off premises permit, which shall be issued only to a grocery store. A "grocery store" shall be defined as a business establishment whose primary business is the sale of food purchased for consumption off premises and which needs additional preparation before it is consumed, and the sale of other products designed primarily for household use and consumption.

(2) Class B. An on premises permit, which shall be issued only to restaurants. A "restaurant" shall be defined as a business establishment whose primary business is the sale of food prepared to be consumed on premises and which needs no additional preparation before it is consumed, and in which less than twenty-five percent (25%) of its income is from the sale of beer. (1972 Code, § 2-102; replaced by Ord. #441, Jan. 1998)

**8-103. Conditions prerequisite to issuance and continuance of permit.** Before any applicant shall be issued a permit or allowed to continue to sell, store, or distribute beer, he shall establish that:

(1) No persons will be employed in the storage, sale, or manufacture of any such beverages except citizens of the United States.

(2) Such sale will not cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, and morals.

(3) No sale shall be made to minors.

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

(5) The place from which intoxicating liquors is sold is a territory zoned C-1, C-2, S-1, or S-2. (1972 Code, § 2-103, modified; and amended by Ord. #441, Jan. 1998, and Ord. #578, Feb. 2015)

**8-104. Suspension or revocation of permits.** The city council retains full power and authority to suspend or revoke any permit, the issuance of which is herein provided for, and for this purpose is fully authorized and empowered to hear and determine complaints brought for that purpose. Except as otherwise provided in the state law, any violation of this chapter or applicable state law<sup>1</sup> shall constitute sufficient grounds for the suspension or revocation of any beer permit.

Complaints brought for the purpose of suspending or revoking a beer permit shall be made in writing and filed with the city manager who shall thereupon give or cause to be given written notice, accompanied by a copy of such written complaint commanding the permittee to appear at a time and place

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

designated in said notice before the city council to show cause why his permit should not be suspended or revoked. The notice shall be served either by registered letter or by a city policeman at least ten (10) days prior to the date of the hearing. At the hearing, which shall be public, the city council shall determine the nature and merits of the complaint and for this purpose the mayor is authorized to compel the attendance of witnesses by subpoena. After the hearing the city council may for proper cause suspend or revoke any permit issued pursuant to this chapter. (1972 Code, § 2-104)

**8-105. Civil penalty in lieu of suspension.** The city council may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid with that time, the revocation or suspension shall be deemed withdrawn.

**8-106. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, and each successive January 1, to the City of Norris, 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.

**8-107. Restrictions on time of sales.** Hours for times of sales of retail beer and/or wine for off-premise consumption in a territory zoned C-1, C-2, S-1, or S-2 will be the same as hours set forth by Anderson County.

Hours for times of sales of intoxicating liquors for on-premise consumption in a territory zoned C-1, C-2, S-1, or S-2 will be the same as set forth by the State of Tennessee Alcoholic Beverage Commission. (amended by Ord. #441, Jan. 1998, and replaced by Ord. #578, Feb. 2015)



## CHAPTER 2

### INTOXICATING LIQUOR(S)<sup>1</sup>

#### SECTION

- 8-201. Alcoholic beverages subject to regulation.
- 8-202. Application for certificate of compliance.
- 8-203. Application fee.
- 8-204. Applicant to agree to comply with laws.
- 8-205. Applicant to appear before board of mayor and council members; duty to give information.
- 8-206. Action on application.
- 8-207. Residency requirement.
- 8-208. Applicants for certificate who have criminal record.
- 8-209. Time period for action.
- 8-210. Only one establishment to be operated by retailer.
- 8-211. Where establishments may be located and building requirements.
- 8-212. Retail stores to be on ground floor; entrances.
- 8-213. Limitation on number of retailers.
- 8-214. Sales for consumption on premises.
- 8-215. Radios, televisions, amusement devices and seating facilities prohibited in retail establishments.
- 8-216. Advertising.
- 8-217. Inspection fee.
- 8-218. Violations.

**8-201. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #524, Feb. 2011)

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<sup>1</sup>Municipal code reference

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

State law reference

Tennessee Code Annotated, title 57.

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

**8-202. Application for certificate of compliance.**<sup>1</sup> Before any certificate of compliance, as required by Tennessee Code Annotated, § 57-3-208 or a renewal, as required by § 57-3-213, shall be signed by the mayor, or by any council members,<sup>2</sup> an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

(1) For all individual applicants or each individual who has or will have any ownership interest and percentage thereof, whether as a partner, shareholder or any other right to participate in the profits of a business applicant proposing to engage in the retail sale of alcoholic beverages:

(a) Their name, age, and address.

(b) The number of months and years each has resided in Anderson County.

(c) If currently engaged in a business and/or occupation, the months and/or years so engaged or employed and the name and address of the business and/or employer.

(d) Whether each individual has ever been convicted of a felony; or a violation of any law of the state or the United States prohibiting the sale, possession, transportation, storage, or otherwise dealing with alcoholic beverages and whether each individual has owned any interest in a business found to be in violation of any laws.

(2) The location of the proposed store for the retail sale of alcoholic beverages.

(3) The name and address of the owner of the location proposed.

(4) Further documentation. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application, and shall be accompanied by six (6) copies of a scale plan drawn to scale of not less than one inch (1") equals twenty feet (20') with the following information:

(a) The shape, size and location of the lot, on which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;

(c) The off-street parking space and off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street; and

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-3-208.

<sup>2</sup>State law reference

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

(d) The identification of every parcel of land within two hundred fifty feet (250') of the lot upon which the liquor store is to be operated indicating ownership thereof and the location of any structures thereon and the use being made of every such parcel.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (as added by Ord. #524, Feb. 2011)

**8-203. Application fee.** A non-refundable application fee of five hundred dollars (\$500.00) is due at the time of application for a certificate of compliance. The application fee shall be paid to the city recorder before any certificate of compliance application shall be reviewed prior to being issued or renewed. (as added by Ord. #524, Feb. 2011)

**8-204. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages. (as added by Ord. #524, Feb. 2011)

**8-205. Applicant to appear before board of mayor and council members; duty to give information.** An applicant for a certificate of compliance shall be required to appear in person before the board of mayor and council members for such reasonable examination as may be desired by the board. (as added by Ord. #524, Feb. 2011)

**8-206. Action on application.** Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of who shall submit his findings to the board of mayor and council members within thirty (30) days of the date each application was filed.

The board of mayor and council members may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and council members. (as added by Ord. #524, Feb. 2011)

**8-207. Residency requirement.**<sup>1</sup> For all individual applicants or for all business applicants for a certificate of compliance, then each individual who has or will have any ownership interest, whether as a partner, shareholder or any other right to participate in the profits of the business applicant proposing to

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<sup>1</sup>State law reference

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

engage in the retail sale of alcoholic beverages shall be a bona fide resident of the County of Anderson at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years. (as added by Ord. #524, Feb. 2011)

**8-208. Applicants for certificate who have criminal record.** No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony; or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #524, Feb. 2011)

**8-209. Time period for action.** Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by city council, within six (6) months open a liquor store in the city or said certificate will be revoked by the passage of this amount of time and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the local liquor license issued pursuant to such application shall be considered canceled and revoked. (as added by Ord. #524, Feb. 2011)

**8-210. Only one establishment to be operated by retailer.** No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, and partner's interest or otherwise. (as added by Ord. #524, Feb. 2011)

**8-211. Where establishments may be located and building requirements.** It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose. All such stores shall be located within the C-2 General Commercial District as appears on the official zoning map of the City of Norris at the time of application. Such liquor store shall not be located within two hundred fifty feet (250') of any church, childcare center, or school as measured along a straight line from the front door of such an establishment to the front door of the liquor store.

All liquor stores shall be a permanent type of construction in a material and design approved by the city's governing body. All liquor stores shall have night-lights surrounding the premises, and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display shall be one thousand eight hundred (1,800) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by the way of large windows in the front, and as to the extent practical, to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations adopted by the City of Norris unless specifically provided otherwise. (as added by Ord. #524, Feb. 2011)

**8-212. Retail stores to be on ground floor; entrances.** No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #524, Feb. 2011)

**8-213. Limitation on number of retailers.**<sup>1</sup> No more than one (1) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (as added by Ord. #524, Feb. 2011)

**8-214. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption on the premises of the seller, nor consumed on the premises by sales personnel, owner or proprietor. (as added by Ord. #524, Feb. 2011)

**8-215. Radios, televisions, amusement devices and seating facilities prohibited in retail establishments.** No radios, televisions, pinball machines, slot machines or other devices, which tend to cause persons to congregate in such place, shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #524, Feb. 2011)

**8-216. Advertising.** There shall be no advertising sign age of any kind whatsoever outside the building containing a liquor store either for the liquor

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<sup>1</sup>State law reference

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

store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores, except as set forth herein. The provisions of the City of Norris Municipal Zoning Ordinance, § 14-441 and any other city ordinances or regulations addressing signs shall not apply to liquor stores, unless any specific restrictions on signs or advertising in the zone where a liquor store is located are more restrictive than the restrictions contained herein, in which case the more restrictive provision shall apply. There may be placed in front of a liquor store, but not extending from there over twelve inches (12"), a sign setting out the name of the liquor store. Such signs shall not exceed twenty (20) square feet in dimension. No such sign shall contain letters of neon or tube lighting so as to produce lighting within the letters themselves. Signs may be externally illuminated, but the glare from the light source shall be shielded from adjacent buildings, streets, or other thoroughfares. No electronic reader board or changeable copy signs shall be permitted. One (1) freestanding sign shall be allowed on premises, as permitted by § 14-411 of the Norris Municipal Zoning Ordinance. No off-premise signs shall be allowed within the city. Regarding sign age inside a liquor store, no banner or temporary sign age shall be placed so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store. (as added by Ord. #524, Feb. 2011)

**8-217. Inspection fee.** The City of Norris hereby imposes an inspection fee in the maximum amount and frequency allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (as added by Ord. #524, Feb. 2011)

**8-218. Violations.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #524, Feb. 2011)

## TITLE 9

### BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

#### CHAPTER

1. PEDDLERS, CANVASSERS, ETC.
2. TAXICABS.
3. CITY OF NORRIS CABLE TELEVISION SYSTEM ACT OF 1983.

#### CHAPTER 1

### PEDDLERS, CANVASSERS, ETC.<sup>2</sup>

#### SECTION

- 9-101. Permit required.
- 9-102. Exemptions.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Loud noises and speaking devices.
- 9-107. Use of streets.
- 9-108. Solicitation at intersections.
- 9-109. Exhibition of permit.
- 9-110. Public safety to enforce.
- 9-111. Revocation or suspension of permit.
- 9-112. Reapplication.
- 9-113. Expiration and renewal of permit.

**9-101. Permit required.** It shall be unlawful to peddle, canvass, or solicit for goods, services, or funds within the corporate limits in person or by telephone without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1972 Code, § 5-101)

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<sup>1</sup>Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

<sup>2</sup>Municipal code reference

Privilege taxes: title 5.

**9-102. Exemptions.** The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newspaper delivery persons, nor to bona fide merchants who merely deliver goods in the regular course of business. (1972 Code, § 5-102)

**9-103. Application for permit.** At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid to the City of Norris to cover the cost of investigating the facts stated therein. The license will expire fourteen (14) days from the date of issue.

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The names of at least two (2) references, or in lieu of the names of references, or other evidence that will enable evaluation of the reputation or business responsibility of applicant unless applicant is known to the public safety department.
- (7) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance, and, if so, the nature of the offense and the punishment or penalty assessed therefor.
- (8) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (9) At the time of filing the application, a fee of twenty dollars (\$20.00) shall be paid to the City of Norris to cover the cost of investigating the facts stated therein. However, no fee shall be assessed charitable, religious, patriotic, educational or philanthropic organizations nor to farmers, gardeners, or horticulturist selling products from their own farms, orchards, or gardens of their own raising or productions, or individuals engaged in incidental services to homeowners such as raking leaves, mowing yards, or shoveling snow. (1972 Code, § 5-103, as amended by Ord. #557, Aug. 2012)

**9-104. Issuance or refusal of permit.** (1) Each application shall be referred to the public safety director for investigation. The director shall report his findings to the city manager within seven (7) days.

(2) If as a result of such investigations the director reports the applicant's moral reputation and/or business responsibility to be unsatisfactory



the city manager shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the director's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the city manager shall issue a permit upon the payment of all applicable privilege taxes. (1972 Code, § 5-104)

**9-105. Appeal.** Any person aggrieved by the action of the public safety director and/or the city manager in the denial or revocation of a permit shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city manager within ten (10) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a public safety officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1972 Code, § 5-105)

**9-106. Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the 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 permittee proposes to sell. (1972 Code, § 5-106)

**9-107. Use of streets.** Except as provided for in § 9-108, no permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets nor shall any be allowed to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purposes of this chapter, the judgement of a public safety officer exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1972 Code, § 5-107)

**9-108. Solicitation at intersections.** Permittee may solicit for funds within an intersection provided that all other provisions of this chapter are complied with in full. If in the judgement of a public safety officer such solicitation causes public inconvenience as impediment, the permittee shall desist from solicitation immediately. In addition, the solicitation of funds within intersections shall be subject to the following restrictions:

(1) All participants shall be over 18 years of age and shall wear a safety vest or other approved safety device to increase visibility.

(2) The organization soliciting funds shall be identified in a manner readily apparent to motorists.

(3) Solicitation shall not begin before 9:00 A.M. nor continue beyond 5:00 P.M.

(4) No organization shall solicit funds in such a manner more than once each calendar year. (1972 Code, § 5-108)

**9-109. Exhibition of permit.** Permittees are required to exhibit their permits at the request of all public safety officers to see that the provisions of this chapter are enforced. (1972 Code, § 5-109)

**9-110. Public safety to enforce.** It shall be the duty of all public safety officers to see that the provisions of this chapter are enforced. (1972 Code, § 5-110)

**9-111. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the city manager or his appointee, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

(2) Notice of the revocation of a permit shall be given by the city manager in writing, setting forth specifically the grounds of the complaint. Such notice shall be mailed to the permittee at his last known address or it shall be delivered by a public safety officer in the same manner as a summons.

(3) A permittee whose permit is revoked may request a review before council. Such review shall be requested in writing within ten (10) days of the revocation of the permit. (1972 Code, § 5-111)

**9-112. Reapplication.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1972 Code, § 5-112)

**9-113. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's

privilege license expires and shall be renewed for a fee of five dollars (\$5.00) if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be 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. (1972 Code, § 5-113)

## CHAPTER 2

### TAXICABS<sup>1</sup>

#### SECTION

- 9-201. Taxicab franchise and business tax license required.
- 9-202. Requirements as to application and hearing.
- 9-203. Liability insurance required.
- 9-204. Revocation or suspension of franchise.
- 9-205. Mechanical condition of vehicles.
- 9-206. Cleanliness of vehicles.
- 9-207. Inspection of vehicles.
- 9-208. License and permit required for drivers.
- 9-209. Qualifications for driver's permit.
- 9-210. Revocation or suspension of driver's permit.
- 9-211. Drivers not to solicit business.
- 9-212. Parking restricted.
- 9-213. Drivers to use direct routes.
- 9-214. Taxicabs not to be used for illegal purposes.
- 9-215. Miscellaneous prohibited conduct by drivers.
- 9-216. Transportation of more than one passenger at the same time.
- 9-217. Fares.

**9-201. Taxicab franchise and business tax license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective business tax license. (1972 Code, § 5-201)

**9-202. Requirements as to application and hearing.** Applications for taxicab franchises shall be made under oath and in writing to the city manager. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the city manager 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. At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the City of Norris to cover the cost of investigating the facts stated therein. Within ten (10) days after receipt of an application the city manager shall make a thorough investigation of the applicant; determine if there is a public need for additional

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

taxicab service; present the application to the city council; and make a recommendation to either grant or refuse a franchise to the applicant. The city council shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the city council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1972 Code, § 5-202)

**9-203. Liability insurance required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of ten thousand dollars (\$10,000.00) for bodily injury or death to any one person, twenty thousand dollars (\$20,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the city manager of the City of Norris. (1972 Code, § 5-203)

**9-204. Revocation or suspension of franchise.** The city council, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1972 Code, § 5-204)

**9-205. 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. (1972 Code, § 5-205)

**9-206. 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. (1972 Code, § 5-206)

**9-207. 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. (1972 Code, § 5-207)

**9-208. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the city manager of the City of Norris. (1972 Code, § 5-208)

**9-209. 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 city manager:

- (1) Makes written application to the city manager.
- (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. (1972 Code, § 5-209)

**9-210. Revocation or suspension of driver's permit.** The city council, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-209. (1972 Code, § 5-210)

**9-211. 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. (1972 Code, § 5-211)

**9-212. Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1972 Code, § 5-212)

**9-213. Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1972 Code, § 5-213)

**9-214. 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. (1972 Code, § 5-214)

**9-215. Miscellaneous prohibited conduct by drivers.** It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet and tranquility of the city in any way. (1972 Code, § 5-215)

**9-216. 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. (1972 Code, § 5-216)

**9-217. Fares.** All fares charged for transportation of passengers by taxicabs shall be in accordance with a rate schedule approved by the city council and conspicuously displayed in each taxicab. It shall be unlawful to charge any fare in excess of that authorized by such schedule. (1972 Code, § 5-217)

### CHAPTER 3

#### CITY OF NORRIS CABLE TELEVISION SYSTEM ACT OF 1983<sup>1</sup>

##### SECTION

- 9-301. Short title.
- 9-302. Definitions.
- 9-303. Authority to grant franchises.
- 9-304. Compliance with applicable laws and ordinances.
- 9-305. Franchise area.
- 9-306. Regulation by other agency.
- 9-307. Liability and indemnification.
- 9-308. Color TV signals.
- 9-309. Signal quality requirements.
- 9-310. Construction of system.
- 9-311. Operation and maintenance of system.
- 9-312. Program alteration.
- 9-313. Performance bond.
- 9-314. Services required.
- 9-315. Other business activities prohibited.
- 9-316. Safety requirements.
- 9-317. Amendments and supplemental agreements.
- 9-318. Conditions on street occupancy.
- 9-319. Termination by grantee.
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- 9-321. Transfer of franchise.
- 9-322. Change of control of company.
- 9-323. Filings and communications with regulatory agency.
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- 9-325. Maps, plats and reports.
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- 9-327. Forfeiture of franchise.
- 9-328. City's right of intervention.
- 9-329. Further agreement and waiver by company.
- 9-330. Duration and acceptance of franchise.
- 9-331. Erection, removal and common user of poles.
- 9-332. Radio and television capabilities.
- 9-333. Initial rates: rate change and request timing.
- 9-334. Billing subscribers: termination of service.

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<sup>1</sup>See Ord. #408; Ord. #426; Ord. #431 (April 1996); Ord. #434 (July 1996); Ord. #442 (Feb. 1998); Ord. #468 (April 2002), and subsequent resolutions of record in the clerk's office which reflect various transfers of the cable television franchise.



**9-301. Short title.** The short title for this chapter shall be known and may be cited as the "City of Norris Cable Television System Act of 1983" (hereinafter referred to as CTSA). (1972 Code, § 5-301)

**9-302. Definitions.** For the purpose of this code, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include plural number. The word "shall" is always mandatory and not merely directory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(1) "City" is the City of Norris, Tennessee.

(2) "Company" is the grantee of any rights under this code by way of franchise.

(3) "Franchise" is the rights granted to any person by the council of the City of Norris under the terms of this code and any agreement entered into by and between the City of Norris, Tennessee, and such person according to the terms of this code.

(4) "Council" is the governing legislative body of the City of Norris, Tennessee.

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

(6) "Cable system" or "Cable television system" means a system of coaxial cables or other electrical conductors and equipment used or to be used primarily to receive or transmit television or radio signals originated directly or indirectly or taken off the air and to transmit them to the subscribers for a fee.

(7) "SRTV system" shall mean cable system.

(8) "Corporate limits" shall include all areas lying within the limits of the City of Norris, Tennessee, as from time to time changed by annexation or other legal methods.

(9) "Federal Communications Commission" or "FCC" is the federal commission or agency created pursuant to the Acts of Congress.

(10) "Channels" shall mean a group of frequencies in the electro magnetic spectrum capable of carrying an audio-data or an audio-video television signal. Each channel is a block of frequencies containing six MHz band width.

(11) "Distant signals channel" means the channel or channels on the cable system designated to carry signals from stations located outside the mandatory carriage area as defined by the FCC.

(12) "Basic subscriber service" means all subscriber services provided by the grantee, including the delivery of broadcast signals, access channels and origination channels, covered by the regular monthly charge paid by all subscribers.

(13) "City council" or "council" means the present Norris city council or any successor to the legislative powers of the present city, also referred to as "grantor".

(14) "Grantee" means the person, company or corporation so designated by the council to receive an exclusive franchise as provided hereunder, and the lawful successors, transferees, or assignees of said person or business entity. Also may be referred to as "franchise" or "company".

(15) "Grantor" means the city government of Norris, as represented by the council acting within the scope of its jurisdiction. Also may be referred to as "franchisor" or "city".

(16) "Gross annual receipts" shall mean all revenue derived directly or indirectly by the grantee, its affiliates, subsidiaries, parents, and any company in which the grantee has a financial interest, from or in connection with the operation of the cable TV system pursuant to this chapter; including gross annual basic subscriber receipts, converter rentals and all other receipts related to the operation of this franchise except: Pay TV or premium channels, gross annual advertising receipts, gross annual lease receipts, installation and reconnection fees, converter sales, studio rental, and production equipment and personnel fees; provided, however, that "Gross Annual Receipts", shall not include any taxes on services furnished by the grantee herein, imposed directly upon any subscriber or user by the state, city or other governmental entity and collected by the grantee on behalf of said governmental unit.

(17) "Norris" means the present municipal corporation of Norris, together with any future annexation made pursuant to law. Also referred to as "city".

(18) "Norris cable television franchise ordinance" or "franchise ordinance" means an ordinance approving a contract between the City of Norris and a specific franchise which grants a franchise and defines the specific rights and obligations of each party pursuant to the general authority, powers, and restrictions of this chapter.

(19) "Streets" shall mean the surface of and all rights-of-way and the space above and below any public street, road, highway, bridge, freeway, lane, path, public way or place, sidewalk, alley, court, boulevard, parkway, drive, waterway, dock, wharf, pier, or easement now or hereafter held by the city for the purpose of public travel and shall include other easements or rights-of-way as shall be now held or hereafter held by the city which shall, within their property use and meaning entitle the franchisee to the use thereof for the purposes of installing or transmitting cable television system transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, attachments, and other property as may be ordinarily necessary and pertinent to a cable television system.

(20) "Year" means a full calendar year. (1972 Code, § 5-302)

**9-303. Authority to grant franchises.** (1) The city warrants it has a right to issue a franchise and the grantee, by acceptance, acknowledges and accepts the right of the city to issue the same.

(2) The city shall have the power to grant to a company, subject to the right of amendment as hereinafter provided, the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the city, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the city of a cable system for the interception, sale, and distribution of television signals, upon the limitations, terms, and conditions in this code contained, as the same may be from time to time amended.

(3) The franchise award shall not be sublet, assigned or leased, nor shall any of the rights or privileges therein granted or authorized be transferred or assigned, either in whole or in part, nor shall title thereto, either legal or equitable, or any right, title, interest or property therein pass to or vest in any person except the grantee, either by act of the grantee or by operation of law, without the prior consent of the city expressed by ordinance, which consent will not be unreasonably withheld.

(4) The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall be exclusive when granted by the city. (1972 Code, § 5-303)

**9-304. Compliance with applicable laws and ordinances.** A company, at all times during the life of its franchise, shall be subject to all lawfully exercise of the police power by the city and to such reasonable regulations as the city shall hereafter by resolution or ordinance provide. Unless otherwise prohibited by state or federal law, or, where jurisdiction has been or shall be conferred upon a state or federal commission, board or body, the city reserves a right by ordinance or resolution to regulate such cable system as to attachment fees, if any; rates and charges to be paid by the subscribers for the service; the quality of service to be provided subscribers; the rate of construction of facilities so as to serve the territorial area referred to hereinafter; to promulgate rules and regulations and necessary other supervisory procedures to assure prompt completion of the system; to provide service for all citizens of the city and its police jurisdiction wherever located; to set a schedule of construction that will attain the said completion of such system as hereinabove last stated; and to adopt such other rules and regulations it may now or hereafter lawfully impose in keeping with and not in conflict with applicable state law, or the lawful rules and regulations heretofore or hereafter adopted by any federal commission, board or body and/or any lawful state rules and/or regulations lawfully adopted by any state commission, board or body. (1972 Code, § 5-304)

**9-305. Franchise area.** Any franchise granted hereunder relates to the present city limits of the city and to any area hereafter added thereto during the term of any franchise granted hereunder. (1972 Code, § 5-305)

**9-306. Regulation by other agency.** Any company, its successors and assigns "granted a franchise hereunder" shall be subject to lawful regulations heretofore or hereafter adopted by the Federal Communications Commission and should it now be or hereafter become subject to the jurisdiction of any other commission then also to the lawful rules and regulations adopted by such commission and also to the lawful rules and regulations adopted by any similar federal commission or state regulatory body, having jurisdiction. If any company, its successors or assigns, shall fail to comply with any federal and/or state statute, rules, regulations, orders or conditions lawfully vested under federal law and any federal regulatory body and/or rules, regulations, orders and conditions lawfully vested in and state regulatory body and/or rules, regulations, orders and conditions lawfully vested in the city shall have the right to terminate or cancel any franchise granted hereunder after written notice to the company to correct such failure or default and such failure or default shall continue for a period of time specified in such notice, not less than ninety (90) days. (1972 Code, § 5-306)

**9-307. Liability and indemnification.** (1) Any company shall pay and by its acceptance of any franchise granted by the city it shall specifically agree that it will pay all damages and penalties that the city may legally be required to pay as a result of granting any franchise or any operation thereunder. Such damages or penalty shall include damages arising out of the installation, operation or maintenance of the SRTV system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by such franchise granted.

(2) Any company shall pay and by its acceptance of any franchise granted hereunder shall specifically agree that it will pay all expenses incurred by the city in defending itself with regard to all damages and penalties mentioned in subsection (1) above. Such expenses shall include all out of pocket expenses, such as attorney's fees, and shall also include the reasonable value of any services rendered by the city attorney or his assistance or any employees of the city.

(3) Notwithstanding the above requirement, any company granted or subsequently acquiring the franchise award shall stand in the status of an independent contractor, and shall indemnify and hold harmless the city from demand for payment or satisfaction of money damages awarded against it or arising through its actions or those of its employees.

(4) During the term of award and acceptance of franchise, beginning within 90 days after award, the company shall post with the city a bond to be approved as to form by the city attorney in the sum of \$10,000.00, conditioned

upon the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions thereof. Bond shall mean an irrevocable bank letter of credit. The bond shall cease after 24 months or upon completion of construction.

(5) The company shall comply with all applicable state, federal and local statutes requiring types and amounts of insurance coverage.

(6) Said insurance policy of policies and said performance bond obtained by any company in compliance with this section must at all times be kept in full force and effect and such insurance policy or policies and performance bond, along with written evidence of payment of the required premiums shall be filed and maintained with the city manager at all times during the term of any franchise granted to the company. No policy or bond shall in any manner be altered, changed or substituted until at least thirty (30) days prior notice in writing shall have been given to the city by the company and/or its insurance and/or bonding company. (1972 Code, § 5-307)

**9-308. Color TV signals.** The facilities used by any company shall be capable of distributing color TV signals, and when the signals the company distributes are received in color they shall be distributed to subscribers in color. (1972 Code, § 5-308)

**9-309. Signal quality requirements.** The company shall comply with the standards required by the Federal Communications Commission as time to time amended and further the company shall:

(1) Deliver a picture, whether in black and white or in color, that is undistorted, free from ghost images, and accompanied with proper sound on typical standard production TV sets in good repair, and deliver a picture as good as the state of the art shall from time to time allow.

(2) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross modulation in the cable or interfering with other electrical or electronic systems.

(3) Limit failures to a minimum by locating and correcting malfunctions properly and promptly, but in no event longer than twenty-four (24) hours after notice unless prevented by an act of God.

(4) Demonstrate by instruments otherwise to subscribers that a signal of adequate strength and quality is being delivered. (1972 Code, § 5-309)

**9-310. Construction of system.** The grantee shall adhere to the following schedule:

(1) Within 100 days after award of franchise the company shall proceed with due diligence to obtain all necessary permits for construction, operation, transmission or licenses of the CTS.

(2) Within 90 days after the publication of the FCC registration statement the company shall begin construction of the CTS.

(3) Within 18 months of the award of franchise, the company shall complete installation of the cable system to all areas of the city limits where there presently exist an average of twenty-five residences per mile of cable trunk system.

(4) The grantor may at its sole option apply any of the following in connection with delays in system construction:

(a) Reduction in the duration of the franchise on a month-for-month basis for each month of delay exceeding three months;

(b) Forfeiture of performance bonds for delays exceeding nine months;

(c) Termination of the franchise for delays exceeding one year.

(5) The grantee is not required under this chapter or any contract granted hereunder to extend its facilities to any area unless there presently exist an average of twenty-five (25) residents per mile of trunk cable system. In areas where there is not an average of twenty-five residents per mile of the system, the grantee may negotiate the cost of supplying service and pro-rate such expense among the subscribers for such area. (1972 Code, § 5-310)

**9-311. Operation and maintenance of system.** (1) The company shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible, shall be preceded by notice and shall occur during periods of minimum use of the system.

(2) The grantee shall maintain a toll-free telephone number whereby subscriber complaints and requests for repairs or maintenance may be received during normal business hours. The grantee shall further maintain sufficient staff, facilities and personnel to handle all normal system maintenance and minor repair functions within 24 hours from receiving such complaint or request, but in all events within 72 hours after notice is given. The company shall keep a record of all complaints from subscribers identifying the subscriber, his address, location, date of complaint, and disposition of complaint.

(3) Should it become necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the company shall do so at such time as will cause the least amount of inconvenience to its customers and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

(4) The city reserves the right by ordinance or resolution to set up a system and provide personnel to regulate the actions of the company in the performance of its duty and responsibilities provided in this code and otherwise under any franchise granted hereunder. (1972 Code, § 5-311)

**9-312. Program alteration.** All programs of broadcasting stations carried by the company shall be carried in their entirety as received, with announcements and advertisements and without additions or deletions except

as may be allowed by the FCC or other regulatory agency, or as otherwise lawfully directed by the city. (1972 Code, § 5-312)

**9-313. Performance bond.** (1) The grantee shall, within thirty (30) days after the award of a franchise, file with the city council, a performance bond in the amount of \$10,000.00 payable to grantor, conditioned on the grantee's starting construction and providing the required services within the time schedule set forth in § 9-310 herein, except for delays of installation of cable or equipment caused by acts beyond the control of the grantee, such as acts of God, floods, fires, earthquakes, strikes, determinations of boards, commissions or governmental agencies and other acts or failure to act of someone other than the city, and of events over which the grantee has no control, the surety on the aforesaid bond shall be only as satisfactory to the city.

(2) Funds represented by such bond shall be recoverable by the city in case of the non-compliance of grantee, its assignees, vendees, lessees, or successors in interest. (1972 Code, § 5-313)

**9-314. Services required.** (1) The company may provide, but without charge and subject to the rules and regulations of the Federal Communications Commission, public emergency broadcast capabilities whereby the city can interrupt service on a designated channel in order to make such public emergency broadcasts as it deems necessary.

(2) The system shall be installed with all available channels and two-way capability; however, the company shall expand the systems channel capacity as required in the manner prescribed by the FCC. (1972 Code, § 5-314)

**9-315. Other business activities prohibited.** (1) The company shall not engage in the business of selling television receivers, radio receivers or accessories within the city during the term of any franchise granted hereunder.

(2) Any franchise granted hereunder authorizes only the operation of a cable system as provided for herein, and does not take the place of any other franchise, license or permits which might be required by law of the company. (1972 Code, § 5-315)

**9-316. Safety requirements.** (1) The company shall at all times employ ordinary care and shall install and maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages, injuries and nuisances to the public.

(2) The company shall install and maintain its wires, cables, fixtures and other equipment in accordance with the current requirements of any codes that may be from time to time adopted by the city.

(3) All structures and all lines, equipment and connections of the company in, over, under and upon the streets, sidewalks, alleys and public ways or places of the city, wherever situated or located, shall at all times be kept and

maintained in a safe, suitable and substantial condition, and in good order and repair by the company.

(4) The company shall have sufficient employees to provide safe, adequate and prompt service for its facilities.

(5) The company is authorized to bargain and conclude all necessary agreements with utility companies pertaining to pole usage, rental or sharing arrangements. (1972 Code, § 5-316)

**9-317. Amendments and supplemental agreements.** It shall be the policy of the city to amend this code, upon application of the company, when necessary, to enable the company to take advantage of any development or developments in the field of transmission of television and radio signals which will afford it an opportunity more efficiently, effectively or economically to serve its customers. Provided, however, that this section shall not be construed to require the city to make any amendment. (1972 Code, § 5-317)

**9-318. Conditions on street occupancy.** (1) All transmission and distribution structures, lines and equipment erected or installed by the company within the city shall be so located or installed as to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.

(2) In case of disturbance by the company of any street, sidewalk, alley, public way or paved area, the company shall, at its own cost and expense and in a manner approved by the city, replace and restore such street, sidewalk, alley, public way and paved area in as good a condition as before the work involving such disturbance was done. The company shall comply with all applicable provisions of the code and ordinances of the city, as may hereafter be amended.

(3) If at any time during the period of any franchise granted hereunder the city shall lawfully elect to alter or change the grade of any street, sidewalk, alley or other public way, the company, upon reasonable notice by the city, shall remove, at grantees' expense, relay and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures under the same conditions and terms as specified for any telephone or electrical utility.

(4) Any pole or other fixture placed in any public way by the company shall be placed in such a manner as not to interfere with the usual travel on such public way.

(5) The company shall, on request of any person holding a building moving permit issued by the city, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid in advance by the person requesting the same and the company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. (1972 Code, § 5-318)



**9-319. Termination by grantee.** (1) The grantee, at any time during the effective period of the franchise ordinance, may terminate its agreement by giving the grantor one hundred eighty (180) days' written notice of such termination with registered letter by registry receipt, addressed to the city council.

(2) The grantee shall pay the city, within thirty (30) days of the effective date of such termination, all sums then due to the city under the provisions of this chapter up to the date of termination. Grantee is responsible for any legal fees accrued in collecting sums due the city.

(3) The city may require the grantees to remove the abandoned property or may dispose of the property at the expense of the grantee or may appropriate the property to the use of the city or any other grantee. The portion of the system remaining on public property easements shall become the property of the city ninety (90) days after the mailing of notice. (1972 Code, § 5-319)

**9-320. Removal of facilities upon request.** Upon termination of service to any subscriber, the company shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request. (1972 Code, § 5-320)

**9-321. Transfer of franchise.** The company shall not transfer any franchises granted hereunder to any other person without prior approval of the city. Such approval shall not be unreasonably withheld by the city. (1972 Code, § 5-321)

**9-322. Change of control of company.** Prior approval of the council shall be required where the ownership or control of more than 51% of the right of control of the company is acquired by a person or group of persons acting in concert; none of whom already own or control 51% or more of such right of control, singularly or collectively. By its acceptance of any franchise granted hereunder the company specifically shall covenant and agree that any such acquisition occurring without prior approval of the council shall constitute a violation of any franchise granted to the company and a violation of this code; provided, however, that the company shall at all times be permitted to assign or transfer any interest in its profits or losses to any third party so long as the control of the company is not so transferred. Such approval shall not be unreasonably withheld by the city. (1972 Code, § 5-322)

**9-323. Filings and communications with regulatory agency.** Copies of all petitions, applications and communications submitted by the company to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency, having jurisdiction in respect to any matters effecting cable television

transmission capabilities, shall also be submitted simultaneously to the city. (1972 Code, § 5-323)

**9-324. City rights and franchise.** (1) The right is hereby reserved to the city to adopt, in addition to the provisions contained in this code, and in any other existing applicable ordinances, or sections of the code of the City of Norris such additional regulations as it shall find necessary in the exercise of the police powers; provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

(2) The city shall have the right to inspect the books, records, maps, plans and income tax returns and other like materials of the company at any time during normal business hours.

(3) The city shall have the right, during the life of any franchise granted hereunder, to install and maintain free of charge upon the poles or in the conduits of the company, any wire and pole fixtures necessary for a police alarm system or like public purpose on the condition that such wire and pole fixtures do not interfere with the CATV operations of the company.

(4) The city shall have the right to inspect all construction or installation work performed subject to the provisions of any franchise granted hereunder and of this code and make such other inspections as it shall find necessary to insure compliance with the terms of or use of the system installed or constructed pursuant to any franchise granted hereunder or pursuant to this chapter, and the company shall comply with all applicable provisions of the Norris Municipal Code, 1949, as heretofore or hereafter amended, and all other codes including, but not limited to building, electrical and others, as may be amended.

(5) At the expiration of the term for which any franchise shall be granted hereunder, or of the term of any extension or renewal thereof, or upon the termination or cancellation of any franchise as provided for herein, the city, for good cause shown, shall have the right to require the company to remove at its own expense all portions of the CATV system from all public ways within the city limits.

(6) After the expiration of the term for which any franchise may be granted hereunder, or after its termination and cancellation, as provided for herein, the city shall have the right to determine whether the company shall continue to operate and maintain the cable television system pending the decision of the city as to the future maintenance and operation of such system. (1972 Code, § 5-324)

**9-325. Maps, plats and reports.** (1) The company shall file with the city manager a true and accurate map or plat of all existing and proposed installation.

(2) The company shall file annually with the board, or its designee, not later than ninety (90) days after the end of the company's fiscal year, a copy of

its financial report, income statement applicable to the operations within the city during the preceding twelve month period, a balance sheet, and a statement of its properties devoted to CATV operations, by categories, giving its investment to such properties on the basis of original costs, less accrued depreciation. These reports shall be prepared or approved by a certified public accountant and there shall be submitted along with them such other reasonable information as the board shall request with respect to the company's properties and expenses related to its CATV operations within the city.

(3) The company shall at all times keep on file with the city manager a current list of its partners, stockholders, officers and directors and bond holders. (1972 Code, § 5-325)

**9-326. Franchise fee and frequency of payment.** (1) At the end of two (2) years from the granting of a franchise, and annually thereafter, grantee shall pay the grantor three (3) percent of the gross annual receipts of grantee for cable television service provided to subscribers within the franchised area as now or hereafter constituted. Said payments shall be made annually by February 1st following the end of each calendar year. The city council shall have the right to inspect the records of the grantee at any reasonable time for the purpose of ascertaining accurately what the gross annual receipts of grantee may have been for the present year.

(2) This payment shall be in addition to any other tax or payment owed to the city by grantee, including ad valorem or business taxes.

(3) In the event that any franchise payment or recomputed amount, cost or penalty, is not made on or before the applicable dates heretofore specified, interest shall be charged daily from such date at the maximum legal rate.

(4) The franchise fee as herein established shall not be increased during the term of any franchise granted pursuant hereto, except as noted in § 9-333(5). (1972 Code, § 5-326)

**9-327. Forfeiture of franchise.** (1) In addition to all other rights and powers pertaining to the city by virtue of this code or otherwise, the city reserves the right to terminate and cancel any franchise granted hereunder and all rights and privileges of the company as a result thereof in the event that the company:

(a) Violates or is in default of any covenant or agreement between the company and the city by virtue of this code or is in violation of any provision of this code or any rule, order or determination of the city or the council made pursuant to this code, except where such violation is without fault or through excusable neglect; unless such latter violation or default remains unremedied or uncorrected after reasonable notice in writing and opportunity offered to remedy such violation or default, in which latter event the same shall be a ground for termination or

cancellation of any franchise granted hereunder by action of the board without further notice.

(b) Becomes insolvent or unable to pay its debts or is adjudged a bankrupt.

(c) Attempts to evade any of the provisions of this code or practices any fraud or deceit upon the city.

(d) Fails to begin construction under any franchise granted hereunder within the time provided in such franchise agreement or by the terms hereof or complete construction so as to provide service throughout the city within the time specified.

(2) Any such termination and cancellation shall be by resolution duly adopted by the council after ninety 90 days notice to the company and failure of the company to correct the violation, insolvency, or bankruptcy, or failure to pay its debts or to secure reversal of a cease and desist order, or to complete construction under any franchise granted hereunder or any provision of law. In the event that such termination and cancellation depends upon a finding of fact, such finding of fact as made by the board shall be conclusive. Provided, however, that before any franchise granted hereunder may be terminated and cancelled as provided herein, the company must be provided with an opportunity to be heard before the council; and further, that such finding of fact as made by the council shall be subject to review by a court or courts of appropriate jurisdiction and, on reasonable grounds, to appeal an adverse finding. (1972 Code, § 5-327)

**9-328. City's right of intervention.** The company agrees not to oppose intervention by the city in any suit or proceeding to which the company is a party. (1972 Code, § 5-328)

**9-329. Further agreement and waiver by company.** The company agrees to abide by all provisions of any franchise granted hereunder and further agrees that it will not at any future time set up as against the city or the council the claim that the provisions of this code or any franchise granted hereunder are unreasonable, arbitrary, or void. (1972 Code, § 5-329)

**9-330. Duration and acceptance of franchise.** Any franchise granted hereunder and the rights, privileges and authority thereby granted, shall take effect and be in force from and after the date of the grant of the franchise by the council, as provided herein, and shall continue to be in force and effect for a term as provided in such grant of franchise for a term as may be determined by the grant thereof not to exceed fifteen (15) years. (1972 Code, § 5-330)

**9-331. Erection, removal and common user of poles.** The company shall comply with all provisions of the zoning ordinance of the City of Norris as regards the location, height, type and any other pertinent aspect of poles or

other wire holding structures which should be erected by the company. (1972 Code, § 5-331)

**9-332. Radio and television capabilities.** The company's cable distribution system shall be capable of carrying radio and television signals on very high frequency channels with two-way capabilities. (1972 Code, § 5-332)

**9-333. Initial rates: rate change and request timing.** (1) The city shall have the right to regulate rates and charges which may be made by the grantee for installation of equipment and basic subscriber services. No rates for such purposes shall be established or charged by the grantee until the same shall have been filed with the city manager at least two regular monthly meeting dates prior to the requested effective date of change. The grantee shall collect no monies from any person within the franchised area until the grantee is ready to render service of the cable television system to said persons, or the area or district in which the person resides.

(2) The grantee shall furnish the following bid items when preparing its bid document as its' initial proposed charges:

(a) Connection charges.

- (i) Initial connection charge for first set.
- (ii) Additional installations at the same location.
- (iii) Relocation of service within a home.
- (iv) Specifying municipal agencies (should be free).
- (v) Reconnection service charge.

(b) Monthly rates.

- (i) Initial receiver.
- (ii) Each additional receiver.

(c) Special rates.

- (i) Cost of production support per hour for community groups and organizations.
- (ii) Other special provisions such as hotels, motels and apartments.
- (iii) Other services such as FM stereo, film library, pay cable television, etc.

(3) Initial basic subscriber rates shall be effective for a minimum of two (2) years from the date of award of franchise. Thereafter, the grantee may request a rate change at any time provided that not more than one (1) request may be made by the company in any twelve (12) month period.

(4) The rates and charges for television and radio signals distributed and other services provided by the company under any franchise granted hereunder shall be fair and reasonable and no higher than necessary to meet all costs of service (assuming efficient and economical management) and provide a fair rate of return on the company's capital investment.

(5) The council shall have the power, authority, and right to cause the company's rates and charges to conform to the provisions of the subsection above set forth, and for this purpose, it may deny rate increases or reductions in such rates and charges when it determines that in the absence of such action on its part, the company's rates and charges or proposed increased rates or charges will not conform to the above subsection, and provided that such determination by the council, upon notice, shall be, final and conclusive, subject to court review. (1972 Code, § 5-333)

**9-334. Billing subscribers: termination of service.** (1) The grantee may require subscribers to pay for each month of service in advance at the beginning of each month.

(2) If any subscriber fails to pay a properly due monthly subscriber's fee, or any other properly due fee or charge, the grantee may disconnect the subscriber's service outlet. Disconnection shall not be effected until thirty (30) days after the fee or charge is due, or until ten (10) days after adequate written notice of the intent to disconnect. Upon payment of the delinquent fee or charge, and the payment of a reconnection charge, the grantee shall promptly reinstate the subscriber's cable service.

(3) The grantee shall have the right to refuse services of connection or reconnection to the cable service operated by grantee if the proposed customer shall have been disconnected three (3) or more times for failure to pay in a timely manner the monthly subscriber fee.

(4) If the grantee fails to provide service requested by a subscriber or programmer, the grantee shall, after adequate notification and being afforded the opportunity to provide the service, promptly refund all deposit or advance charges paid for the service in question by said subscriber or programmer.

(5) After five (5) years from the date the franchise is signed all pay TV/premium channels will be subject to the three (3) percent franchise fee.

(6) If any subscriber terminates, for personal reasons, any monthly service prior to the end of the prepaid period, a pro-rata portion of any prepaid subscriber service fee, using the number of days as a basis, shall be refunded to the subscriber by the grantee within 30 days of the termination of service.

(7) If a proposed customer's residence is located at a distance greater than 300 feet from the public road right of way then grantee may negotiate privately with the proposed customer for reimbursement of the expense for erecting the residential service cable for that portion of the distance which exceeds 300 feet in length. (1972 Code, § 5-334)

**TITLE 10**

**ANIMAL CONTROL<sup>1</sup>**

**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.
3. NORRIS WATERSHED HUNTING ACT OF 1984.
4. DELETED.

**CHAPTER 1**

**IN GENERAL**

**SECTION**

10-101. Area designated as a wildlife sanctuary.

**10-101. Area designated as a wildlife sanctuary.** The entire area within the corporate limits of the city on and to the south of Clear Creek Road from the point of intersection of Norris Dam Reservation to the point where this road intersects the corporate boundary line north of the junction of the Clear Creek Road and Andersonville Road (FAS 2475), is hereby designated as a sanctuary for wild mammals and birds. It shall be unlawful, except by federal and state banding permits, to trap, hunt, shoot, or attempt to shoot, or molest, or harass in any manner any wild bird or wild mammal or to rob wild birds' nests. When any species of wild bird or mammal is found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property and if such are so declared by qualified authorities to be creating a public nuisance or menace, and the city manager be so informed, appropriate action may be determined and carried out by official or officials designated by the city manager.

A qualified authority is any one of the following:

- (1) The state fish and game officer responsible for Anderson County.
- (2) The state fish and game district biologist. (1972 Code, § 3-101)

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<sup>1</sup>Charter reference

Authority to regulate, tax, and license animals: art. IV, § 31.

## CHAPTER 2

### DOGS AND CATS

#### SECTION

- 10-201. Definitions of words and phrases.
- 10-202. Licensing requirements.
- 10-203. Confinement of female dogs and cats "in season."
- 10-204. Vicious dogs and cats to be securely restrained.
- 10-205. Seizure and redemption of dogs and cats generally.
- 10-206. Miscellaneous provisions for protection of dogs and cats.
- 10-207. Remuneration of persons damaged while enforcing chapter.
- 10-208. Dogs and cats running at large prohibited.
- 10-209. Authority to declare quarantines.
- 10-210. Confinement of dogs and cats suspected of being rabid.
- 10-211. License, impoundment and animal control fees.
- 10-212. Noisy animals.
- 10-213. Destruction of vicious or infected dogs and cats running at large.
- 10-214. Spay, neuter law enacted.

**10-201. Definitions of words and phrases.** For the purposes of this chapter, the following words and phrases shall have the definitions indicated:

(1) "Dog" or "Cat" as commonly used and to give this chapter its most reasonable application.

(2) "Owner" any person, firm, or corporation owning, harboring, or keeping a dog or cat. The occupant of any premises on which a dog or cat remains or to which it customarily returns is presumed to be the owner of the dog or cat.

(3) "Animal control officer" any official trained and designated as such, whose pay shall be set by council along with other animal control fees. Duties and responsibilities shall be prepared by the city manager and approved by city council.

(4) "At large" means to be off the premises of the owner or a member of his immediate family except by means of a leash; but a dog or cat upon or within an automobile of its owner shall be deemed upon the owner's premise.

(5) "Leash" a cord, thong, or chain, by which a dog is controlled by the person accompanying it.

(6) "License" when used as an adjective, noun, or verb shall be construed and interpreted in accordance with the Norris City Charter, art. IV, § 21.

(7) "Stray dog or cat" any dog or cat that has no apparent owner or one that has migrated from outside the Norris city limits.



(8) "In season" or "In heat" means that periodic manifestation of the natural reproductive function during which unspayed female dogs or cats become extraordinarily attractive to male dogs or cats.

(9) "Spayed female" a female dog or cat which has been rendered sexually sterile by surgical means.

(10) "A vicious dog or cat" one which has maliciously and without provocation attacked and bitten a human being.

(11) "Neutered male" a male dog or cat which has been rendered sexually sterile by surgical means. (1972 Code, § 3-201)

**10-202. Licensing requirements.** (1) Every dog and cat over three months of age having been kept within the corporate limits of the City of Norris at least thirty (30) days shall be required to be licensed yearly.

(2) Licenses shall be issued and sold by the city manager and local veterinarians as designated by the city manager only after the owner presents satisfactory proof that the dog or cat has received, from a licensed veterinarian, an anti-rabies inoculation pursuant to Tennessee Code Annotated, §§ 68-8-101 through 68-8-114. Each owner shall be provided with a suitable metal or permanent type tag as well as a certificate and receipt for the license fee. Said tag shall bear the name of the City of Norris, a serial number, and shall indicate the year for which issued. The shape of such metal or permanent type tag shall be distinctive and shall be changed from year to year.

(3) The certificate issued with each license tag shall contain the following information concerning the dog or cat:

- (a) Owners name, address, and telephone number.
- (b) Breed.
- (c) Sex.
- (d) Age.
- (e) Color.
- (f) Markings.
- (g) Name.

A copy of each per numbered certificate shall be retained by the city manager. The veterinarian issuing licenses shall within ten (10) days furnish the city manager with a copy of the issued license.

(4) The license tag shall be securely fastened upon a collar which shall be kept on the dog or cat at all times, and any dog or cat not bearing a license tag shall be deemed to be unlicensed.

(5) In case of the loss of a duly issued dog or cat license tag, the owner shall immediately report the loss to the city manager who shall issue a duplicate or replacement tag.

(6) In order to be charged the spayed/neutered fee, as opposed to the higher nonspayed/neutered fee, proof of the spaying/neutering must be presented in writing from a veterinarian.

(7) The license period under this section shall be yearly from date of issue. (1972 Code, § 3-202; and replaced by Ord. #448, Sept. 1998)

**10-203. Confinement of female dogs and cats "in season."** All female dogs and cats within the city shall, upon coming "in season," be kept inaccessible to male dogs and cats for a minimum period of twenty eight (28) days, beginning the first day that evidence of attraction is noticeable. Any dog or cat not so kept shall constitute a nuisance which shall be abated according to Tennessee Code Annotated, §§ 44-8-410 and 44-8-411. (1972 Code, § 3-203)

**10-204. Vicious dogs and cats to be securely restrained.** It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1972 Code, § 3-204)

**10-205. Seizure and redemption of dogs and cats generally.**

(1) The animal control officer shall be primarily responsible for seizing any stray or vicious dog or cat in the city or any dog or cat found at large in violation of this chapter.

(2) Dogs and cats so seized shall be detained in Norris for at least three days but not more than seven days, unless conditions warrant a longer stay as determined by the city manager, if properly licensed (or there are other means to identify the resident owner) and the owner shall be notified. Redemption fees will be in accordance with the policies established by city council under "animal control fees".

(3) Seized animals whose owners cannot be reasonably identified will be taken to the Oak Ridge Animal Shelter.

(4) When the animal control officer is off-duty the public safety officer on duty shall respond to complaints of vicious or rabid animals and take appropriate action.

(5) The animal control officer shall perform his duties in compliance with the job description provided by the city manager and approved by city council. (1972 Code, § 3-205)

**10-206. Miscellaneous provisions for protection of dogs and cats.**

(1) All dogs and cats within the City of Norris are hereby declared to be personal property and subjects of larceny. It shall be unlawful for any person, except an officer or authorized agent of the city, deliberately or by any means to kill, injure or detain any dog or cat (unless it is being detained for the sole purpose of expeditiously turning the animal over to its owner or the authorities) which is duly licensed for the current year.

(2) In case of accidental destruction or injury to a dog or cat, the person or persons causing such destruction or injury shall immediately report the same to the owner, or to the city police, giving his name and address.

(3) It shall be unlawful for any person to place any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and/or taken by dogs or cats.

(4) It shall be unlawful for any person to subject any dog or cat, either his own or belonging to another, to any treatment which may reasonably be considered inhumane. (1972 Code, § 3-206)

**10-207. Remuneration of persons damaged while enforcing chapter.** The animal control officer or others having sustained damage through the enforcement of this chapter may be remunerated in the amount of such damage from otherwise unappropriated funds. (1972 Code, § 3-207)

**10-208. Dogs and cats running at large prohibited.** It shall be unlawful for any person to allow a dog or cat belonging to him, or under his control, or that may be habitually found on premises occupied by him, or immediately under his control, to be at large (§ 10-201(4)) upon the premises of another, or upon a highway or upon a public road or street. The foregoing shall not apply to a dog in that section of the City of Norris north of Clear Creek Road from the point of intersection of Norris Dam Reservation to the point where this road intersects the corporate boundary line north of the junction of the Clear Creek Road and Andersonville Road (hunting or chasing is prohibited in all other areas of the city designated as a wildlife sanctuary by title 10, § 10-101). (1972 Code, § 3-208)

**10-209. Authority to declare quarantines.** City council shall have the power to declare, by resolution, quarantine periods of definite and reasonable duration whenever such quarantine seems necessary or desirable for the control of epidemic dog or cat diseases. (1972 Code, § 3-209)

**10-210. Confinement of dogs and cats suspected of being rabid.** If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal control officer or any other properly designated officer or official may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (1972 Code, § 3-210)

**10-211. License, impoundment and animal control fees.** Fees charged by the city for licensing, impounding and animal control expenses shall be in accordance with a fee schedule set by the city council. (1972 Code, § 3-211)

**10-212. Noisy animals.** It shall be unlawful to keep any animal which by causing frequent or long continued noise shall disturb the comfort or repose of person(s) in the vicinity as regulated by § 11-211 of the Norris Municipal Code. (1972 Code, § 3-212)

**10-213. Destruction of vicious or infected dogs and cats running at large.** When, because of its viciousness or suspected infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by any public safety officer or other properly designated officer. (1972 Code, § 3-213)

**10-204. Spay, neuter law enacted.** (1) Every dog or cat adopted from the city animal control must have been spayed or neutered or the owner must agree to spay or neuter the animal within 30 days or within 30 days of when the animal reaches 6 months of age.

(2) A deposit of \$25.00 is required to ensure that the new owner neuters the animal.

(3) The deposit will be refunded when the owner presents proof of neutering.

(4) The City of Norris will retain the deposit if the owner fails to have the animal neutered or fails to request return of the deposit within 10 days after the neutering was required to be done.

(5) The city reserves the right to go to court to seek compliance.

(6) Animals claimed by owners within seven days of being taken into custody are not subject to the law. (as added by Ord. #459, Oct. 2000)

## CHAPTER 3

### NORRIS WATERSHED HUNTING ACT OF 1984

#### SECTION

- 10-301. Short title.
- 10-302. Definitions.
- 10-303. Authority to control hunting.
- 10-304. Compliance with applicable laws and ordinances.
- 10-305. Regulation by other agencies.
- 10-306. Special regulations applicable to deer hunting.
- 10-307. Penalties.
- 10-308. Interpretation.

**10-301. Short title.** The short title for this ordinance shall be known and may be cited as the "Norris Watershed Hunting Act of 1984." (1972 Code, § 3-301)

**10-302. Definitions.** For the purpose of this code, the following terms, phrases, words and their derivation shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural numbers. The word "shall" is always mandatory and not merely directory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (1) "Board" is the Norris Watershed Board.
- (2) "City" is the City of Norris, Tennessee.
- (3) "Council" is the governing legislative body of the City of Norris, Tennessee.
- (4) "Sanctuary" is that portion of the watershed designated a wildlife sanctuary, marked thereby on official city maps, and posted thereby with perimeter signs stating wildlife sanctuary.
- (5) "Norris" means the present municipal corporation of Norris, together with any future annexation made pursuant to law. Also referred to as "city."
- (6) "Designated hunt" shall refer to each separate period of time whereby hunting is legally sanctioned by the State of Tennessee in that portion of Anderson County wherein lies the city of Norris, Tennessee.
- (7) "TWRA" is the Tennessee Wildlife Resources Agency. (1972 Code, § 3-302)

**10-303. Authority to control hunting.** The city warrants it has a right to control and regulate access to hunting and to other recreational purposes

within the municipal corporate limits and that the Norris Watershed is entirely within said limits. (1972 Code, § 3-303)

**10-304. Compliance with applicable laws and ordinances.** A person shall be subject to all lawful exercise of the police power by the city and to such reasonable regulations as the city shall hereafter by resolution or ordinance provide. Unless otherwise prohibited by state or federal law, or where jurisdiction has been or shall be conferred upon a state or federal body, the city reserves a right by ordinance or resolution to regulate such hunting as to permit fees, quotas; to promulgate rules and regulation and necessary supervisory procedures to ensure a safe and orderly hunt; and to adopt such other rules and regulations it may now or hereafter lawfully impose in keeping with and not in conflict with applicable state law. (1972 Code, § 3-304)

**10-305. Regulation by other agencies.** Any person shall be subject to lawful regulations heretofore or hereafter adopted by TWRA and also to the lawful rules and regulations adopted by any similar federal or state body having jurisdiction. If any person shall fail to comply with any federal and or state statute, rule, regulation, order, or condition lawfully vested the city shall have the right to terminate any permits granted. (1972 Code, § 3-305)

**10-306. Special regulations applicable to deer hunting.** The hunting of deer shall be permitted upon recommendation by the Watershed Board and approval of council for each season as may be legally set by TWRA, subject to all rules, regulations and limitations as may be imposed by TWRA. In addition to state and federal regulations the following special rules shall be in effect during each authorized hunt.

(1) Hunting will only be permitted using shotgun with slugs, archery and muzzle loading rifles. All other weapons shall be banned.

(2) Each person who hunts upon the watershed shall possess valid state license, tags, and/or stamps and a city permit. Such permits shall be valid for the length of time designated on the permit. Separate permits are required for each separate designated hunt.

(3) Permits shall be issued by the Norris Department of Public Safety. The number of permits and the permit fee shall be determined from time to time upon recommendation by the board and approval of council. Revenues derived from the sale of permits will be utilized by the board for enforcement of these regulations and/or for wildlife management activities.

(4) Certification of successful completion of a hunter safety course shall be required for all minors under the age of 18. For those 18 and over a certificate of completion of a hunter safety course is required, although for 1984 only a certification by the hunter that he/she is familiar with the generally recognized safety standards and procedures and will utilize these same standards and procedures during the course of deer hunting is acceptable.

- (5) Hunting is strictly prohibited within the sanctuary south of Clear Creek.
- (6) Within state regulations a bag limit for deer hunting is hereby established at one deer per hunter per year. All other appropriate state regulations on sex or bag limits shall apply.
- (7) Camping and open fires are prohibited during designated hunts.
- (8) Operation of motorized vehicles is confined to gravel, or dirt roads and designated areas. Driving into woods, fields, foot trails, or areas marked "no motorized vehicles" is prohibited.
- (9) No species of wildlife may be molested except those authorized for the hunt and no animal killed shall be dismembered to the extent that its species and sex cannot be identified.
- (10) No person shall damage or remove any trees or other plants, soil, gravel, rock, stone or sod from the watershed without specific authorization.
- (11) The use of wire, nails or other metal materials is expressly prohibited in the building or attaching of climbing devices or hunting stands on or in trees. Hunting is prohibited from any stand permanently attached to a tree. (1972 Code, § 3-306)

**10-307. Penalties.** Violation of any state, federal, or Norris city regulations will abrogate all watershed use privileges of the violator for three consecutive years in addition to any fines or other penalties assessed by any court. Any person found to have violated any section of this ordinance may be fined up to \$50.00 for each separate violation. (1972 Code, § 3-307)

**10-308. Interpretation.** Where a condition imposed by a provision of this chapter is less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern. (1972 Code, § 3-309)

**CHAPTER 4**

**DELETED**

This chapter was deleted by Ord. #584, Sep. 2015.



## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. MISCELLANEOUS.
6. ANTI-LITTER REGULATIONS.

#### CHAPTER 1

#### ALCOHOL<sup>2</sup>

#### SECTION

11-101. Possessing or consuming open beer, etc., on streets, etc.

**11-101. Possessing or consuming open beer, etc., on streets, etc.**

It shall be unlawful for any person to drink, consume, or possess opened cans, bottles or other containers of beer or other alcoholic beverages in any vehicle designed for travel, or on any public street, alley, avenue, highway, sidewalk, public park, public school grounds and any parking area and thoroughfare to which the public has access. (1972 Code, § 10-210)

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<sup>1</sup>Municipal 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.

<sup>2</sup>Municipal 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

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-201. Unlawful sound or noise.

**11-201. Unlawful sound or noise.** (1) Sounds prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, repetitive or unusually loud noise, which either annoys, disturbs, injures or endangers the peace, health or safety of another person within the limits of the City of Norris. Examples of specific offenses include the following; however, this section is not exclusive:

(a) Horns, etc. Use of horns or other signal devices on vehicles other than momentarily as a danger warning.

(b) Engines. Racing vehicular engines.

(c) Wheel spinning. Intentional spinning vehicular wheels to cause tire squealing.

(d) Mufflers. Operating vehicular stationary or other nonvehicular engines without mufflers adequately controlling exhaust noises.

(e) Radios, etc. Operating electronic or mechanical instruments such as music players louder than is necessary for convenient hearing within a dwelling or hall.

(f) Loud speakers, etc. Operating electronic or mechanical instruments such as loud speakers or drums out-of-doors or on the public streets for advertising.

(g) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling or singing at a continuing and loud manner, between the hours of 11:00 P.M. and 7:00 A.M.

(h) Pets. Permitting noise by animals which repeatedly disturbs the comfort or repose of any person in the vicinity.

(i) Noise producing construction operations. The noisy erection (including excavation), demolition, alteration, or repair of any building or property, in the construction or repair of streets and highways within the city limits during the hours of darkness on week days and Saturdays. An exception can be made in the case of urgent necessity in the interest of public health and safety, and when only with a permit from the building inspector granted or a period while the emergency continues not to exceed thirty (30) days. (For the purposes of this section the hours of darkness is defined as the period of time between thirty minutes after official sunset time and thirty minutes before official sunrise time). 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 during the preceding restricted hours, 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 during the restricted hours upon application being made at the time the permit for the work is awarded or during the process of the work.

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

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

(b) Repair of streets, utilities, etc. Excavations or repairs of water and sewer lines, 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) Property owners making repairs and/or alteration on their own property.

(3) Sound level from property. It shall be unlawful to project a sound or noise which exceeds the sound level set out in Table I below from one property into another within the boundary of any zoning district excluding noise emanating from cars, trucks, or motorcycles.

TABLE I - LIMITING NOISE LEVELS FOR ZONING DISTRICTS

<u>SOUND LEVEL IN DECIBELS</u>	<u>ZONE</u>	<u>WHERE MEASURED</u>
50	All residential Districts, (R-1, R-2, FAR)	Common lot line
55	Professional, Civic District (P-1)	Common lot line
60	Commercial Districts (C-1, C-2)	Common lot line
65	Industrial Districts	Common lot line

(4) Sound level from vehicles. It shall be unlawful to operate a motorized vehicle within the city limits which creates a noise or sound which exceeds the sound level limits set out in Table II below:

<u>SOUND LEVEL IN DECIBELS</u>	<u>TYPE OF VEHICLE</u>	<u>WHERE MEASURED</u>
87	Buses and trucks over 10,000#	At 50'
93	Buses and trucks over 10,000#	At 25'
80	Buses and trucks under 10,000#	At 50'
86	Buses and trucks under 10,000#	At 25'
78	Passenger cars	At 50'
84	Passenger cars	At 25'
87	Motorcycles (includes other vehicles)	At 50'
93	Motorcycles (includes other vehicles)	At 25'

(5) Sound level measurement. The sound level shall be measured with a type of audio output meter approved by the Bureau of Standards. The measurements shall be made at the location or distance specified in Tables I and II, where such noise is generated, or perceived, as appropriate, five (5) feet above the ground. The output meter during the measurement shall be positioned so as not to create any unnatural enhancement or diminution of the noise source. A wind screen for the output meter shall be used when required. (1972 Code, § 10-211)

## CHAPTER 3

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-301. Refusing to aid a police officer.

11-302. Resisting or assaulting an officer.

**11-301. Refusing to aid a police officer.** No able-bodied person shall refuse to assist a police officer, when summoned by him, in arresting any person offending against any ordinance of the City of Norris or law of the State of Tennessee, when in the opinion of the officer such assistance may be necessary. (1972 Code, § 10-207)

**11-302. Resisting or assaulting an officer.** No person shall resist, hinder, or prevent an officer from lawfully making an arrest in the City of Norris; nor shall any person commit an assault and battery upon an officer lawfully engaged in and about his duty. (1972 Code, § 10-206)

**CHAPTER 4****FIREARMS, WEAPONS AND MISSILES****SECTION**

11-401. Shooting firearms.

11-402. Concealed weapons.

**11-401. Shooting firearms.** It shall be unlawful for any person or persons to shoot firearms of any character, including pistols, rifles, air pistols, and shotguns within the corporate limits of the city south of Clear Creek Road from the point of intersection of Norris Dam Reservation to the point where this road intersects the corporate boundary line north of the junction of the Clear Creek Road and Andersonville Road (FAS 2475), excepting in defense of life and property or on approved pistol or rifle ranges. (1972 Code, § 10-208)

**11-402. Concealed weapons.** No person shall go about the City of Norris armed with any dangerous and concealed weapons; provided that this regulation shall not apply to any police officer or other person properly authorized to be so armed. (1972 Code, § 10-205)

## CHAPTER 5

### MISCELLANEOUS

#### SECTION

11-501. Curfew for minors.

11-502. Removal or injury of trees or other growth on public lands prohibited without prior authorization.

11-503. Removal of dead or dying trees on city rights-of-way and waiver of removal fee.

11-504. Off road vehicles.

11-505. Injuring, damaging, or stealing property.

**11-501. Curfew for minors.** (1) Definition. The word "minor" as used in this section shall mean any person under the age of eighteen.

(2) Loitering of minors prohibited. It shall be unlawful for any minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, between the hours of 10:30 P.M. and 4:00 A.M. on Sunday, Monday, Tuesday, Wednesday, and Thursday of each week and between the hours of 12:00 midnight and 4:00 A.M. on Friday and Saturday of each week; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent or guardian, or where the minor is upon an emergency errand or legitimate business directed by his or her parent or guardian.

(3) Responsibility of parents. It shall be unlawful for the parent or guardian of a minor to knowingly permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, and public buildings, places of amusement, vacant lots, or other unsupervised places between the hours of 10:30 P.M. and 4:00 A.M. on Sunday, Monday, Tuesday, Wednesday, and Thursday, of each week and between the hours of 12:00 midnight and 4:00 A.M. on Friday and Saturday of each week, provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent or guardian, or where the minor is upon an emergency errand or legitimate business directed by his or her parent or guardian.

(4) Penalties. Any minor under 18 years of age violating the provisions of subsection (2) shall be dealt with in accordance with juvenile court law and procedure. Any parent or guardian of a minor violating the provisions of subsection (3) shall be dealt with in the Norris City Court and may be fined under the general penalty clause for this code of ordinances. (1972 Code, § 10-209)

**11-502. Removal or injury of trees or other growth on public lands prohibited without prior authorization.**<sup>1</sup> It shall be unlawful for any person wantonly and unnecessarily to remove, cut, injure or destroy any tree, shrub, vine, moss or turf, growing or being located upon any public lands of any character whatsoever including all public parks, whether municipally owned or otherwise, watershed lands whether municipally owned or otherwise, "commons" or any other publicly owned open spaces and the entire right of way of all public highways, including state roads, county roads, and city streets without written authorization except as otherwise provided in this chapter.

(1) Care and removal of trees and other growth, generally. The city manager or his duly authorized representative shall be responsible for the planting, maintenance, and removal of trees or other growth in any public way or place in the city.

Owners of property are hereby granted the right to maintain, trim, spray, prune, or remove trees (up to six (6) inches in diameter measured at the stump eight (8) inches above the ground) or other growth in right of ways, on all public highways, including state roads, county roads, and city streets adjacent to their property.

(2) Authorization methods for the removal of trees or other growth on public lands.

(a) The removal of trees or other growth on watershed lands shall be as provided in § 5-103 of the Norris Municipal Code "Procedure for Sale of Forest Products" and in accordance with the provisions of the "Norris Watershed Firewood Cutting Permit" as set out in this section:

Permit No. \_\_\_\_\_

"NORRIS WATERSHED FIREWOOD CUTTING PERMIT"

Issued to \_\_\_\_\_ Address \_\_\_\_\_

Date Issued \_\_\_\_\_ Date of Expiration \_\_\_\_\_

This is not a timber sale, but is a permit to remove tops and slash from lumbering operations, naturally downed timber, or timber otherwise designated by the Watershed Board for use as firewood.

The above named party is hereby permitted to remove firewood from the city watershed area subject to the regulations set forth below:

- (i) No standing trees, either dead or alive shall be felled by the permit holder except in limited areas marked, announced

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<sup>1</sup>Municipal code reference  
 Procedure for sale of forest products: § 5-103.



and controlled by the Watershed Board except as otherwise provided in this section.

(ii) Trees or logs are occasionally felled across obsolete logging trails, roads and ditches for purposes of closing or repairing such areas. Such placed wood shall not be removed for firewood.

(iii) Hauling shall not be done when roads are soft or muddy so as to cause wheel ruts or damage to roads or water bars.

(iv) The city manager shall be responsible for the issuance of permits for firewood cutting.

(v) Firewood cutting permits are issued to residents or property owners of Norris and employees of the city. The city manager may authorize the issuance of permits to owners of property that borders watershed property when it is deemed in the best interest of the city.

(vi) Eligible permit holders who are not physically able to cut their own firewood may designate a representative by letter attached to their permit. However, wood harvested by the representative must be for the exclusive use of the permit holder.

(vii) Removal of firewood for the purpose of resale is specifically prohibited.

(viii) Individual trees with wind, fire, lightning or other damage can be cut only by special written permission of the city manager. Application for permission to cut individual trees must be made directly to the city manager or his duly authorized representative.

(ix) Open fires are prohibited.

(x) Conviction for violation of firewood cutting regulations shall be automatic grounds for revocation of a firewood cutting permit. The city manager shall have the authority to deny a firewood cutting permit to anyone convicted of violating the firewood cutting regulations.

(b) Any person desiring to remove trees or other growth from any public way or place other than watershed lands shall make written application to the city manager or his duly authorized representative for a permit to do so. The applicant shall set forth the act intended to be done, the number, kind and location of trees or other growth to be affected, the proposed manner of doing the act and such other information as the city manager or his duly authorized representative may require.

The permit shall be issued by the city manager or his duly authorized representative if the proposed act and the proposed method is satisfactory. The city manager or his duly authorized representative may issue comprehensive permits to any public utility, in accordance

with this section, to be valid for the fiscal year during which the permit is issued. If a permit is denied, a written denial shall be given to the applicant setting forth the reasons therefor. Any work undertaken by the permittee or his agent may be stopped immediately and the permittee's permit may be revoked by presentation of a written order of revocation of the permit by the city manager or his duly authorized representative, when, in his opinion, the work or conditions outlined in the permit are not being complied with.

(3) Point of inspection. The city manager or his duly authorized representative may inspect any tree or other growth on private property in the city to determine whether the same or any portion thereof is in such a condition as to constitute a public nuisance and in addition for the purpose of abating or correcting any condition or thing declared to be a public nuisance under this chapter.

(4) Public nuisance-certain conditions designated. The following are declared public nuisances:

(a) Any tree or other growth or part thereof growing upon private property but weakening the street or walk or interfering the use of any street or walk which in the opinion of the city manager or his duly authorized representative endangers the life, health, safety, or property of the public.

(b) A tree or any other growth which does interfere with, impair, or destroy any street improvement, sidewalks, curb, gutter, sewer, or other public improvement.

(c) The continued existence of any tree or other growth on private property within the city that is infested or infected with insects, mites, fungus, bacteria, virus, or growth which constitutes a threat or may be injurious to trees or other growth in the surrounding area.

(5) Abatement. The city manager or his duly authorized representative shall in writing notify the owner of the property on which a public nuisance exists describing the nuisance and stating the work necessary to remove the same. If the owner of the property does not correct or remove such nuisance within ten days after receipt of said written notice the city manager or his duly authorized representative shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner.

(6) Permit fees. The following schedule of permit fees shall be applicable:

Watershed Firewood Cutting Permit  
\$10.00 per fiscal year

Removal Permit  
\$5.00 per act

Comprehensive Utility Permit

\$15.00 per fiscal year  
(1972 Code, § 10-212)

**11-503. Removal of dead or dying trees on city rights-of-way and waiver of removal fee.** The adjacent landowner shall be given first refusal on removal of dead or dying trees for his own use upon payment of the removal fee. Special consideration on an individual basis will be given for necessary multiple removal of dead or dying trees.

If it is in the best interest of the city that the tree be removed, the city manager can waive the removal fee.

The city manager and director of public works shall determine, on an individual basis, if for reasons of safety, the city shall fell the tree and clear the roadway. The timing of the felling shall be coordinated, if possible, with the person who has paid the cutting fee and such person will have fifteen (15) days to clean up the right-of-way. (1972 Code, § 10-213)

**11-504. Off road vehicles.** It shall be unlawful for any unauthorized person to operate any all terrain or off road vehicles on any public lands, right of ways, watershed lands, or other public property within the corporate limits of the City of Norris. All all-terrain or off road vehicles for the purpose of this section shall be defined by Tennessee Code Annotated, § 55-3-101 and shall specifically include but not be limited to three and four wheelers, dirt bikes, dune buggies, snow mobiles, or unlicensed motor driven vehicles. (1972 Code, § 10-214)

**11-505. Injuring, damaging, or stealing property.** (1) Public property. No person shall injure, mar, or deface any public building, sidewalk, street, or other public property within the City of Norris; nor shall any person knowingly be in possession of any property of the city without lawful authority; and the fact that such property is marked as property of the city shall be prima facie proof of the knowledge that such property is that of the city.

(2) Private property. No person shall wantonly destroy or injure, or take, steal, and carry away or attempt to take, steal, and carry away any property belonging to any citizen or anyone else within the City of Norris. (1972 Code, § 10-202)

## CHAPTER 6

### ANTI-LITTER REGULATIONS

#### SECTION

- 11-601. Short title.
- 11-602. Definitions.
- 11-603. Litter in public places.
- 11-604. Litter to be placed in receptacles so as to prevent scattering.
- 11-605. Sweeping litter into gutter prohibited; duty to clean sidewalk.
- 11-606. Merchants' duty to keep sidewalk free of litter.
- 11-607. Litter thrown by persons in vehicles.
- 11-608. Vehicles or loads causing litter.
- 11-609. Litter in parks.
- 11-610. Litter in fountains, lakes, streams, etc.
- 11-611. Throwing or distributing handbills in public places.
- 11-612. Placing handbills on vehicles.
- 11-613. Depositing handbills on uninhabited or vacant premises.
- 11-614. Distribution of handbills prohibited where property is posted.
- 11-615. Distributing handbills at inhabited private premises.
- 11-616. Dropping litter from aircraft.
- 11-617. Posting notices prohibited.
- 11-618. Litter on occupied private property.
- 11-619. Premises to be maintained free of litter.
- 11-620. Litter on vacant lots.

**11-601. Short title.** This chapter may be known and may be cited as "The Anti-Litter Ordinance of the City of Norris." (1972 Code, § 8-401)

**11-602. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Aircraft." Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

(2) "Authorized private receptacle." A litter storage and collection receptacle as required and authorized in title 17.

(3) "Commercial handbill." Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing; or

(b) Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given, or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety, and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license where such license is or may be required by any law of this state or under this chapter or any other ordinance of this city; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

(4) "Garbage." Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(5) "Litter." "Garbage," "refuse," and "rubbish," as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(6) "Newspaper." Any newspaper of general circulation, as defined by general law; any newspaper duly entered with the post office department of the United States, in accordance with federal statute or regulation; and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, such term shall mean and include any periodical or current magazine regularly published with not less than four issues each year and sold or otherwise distributed to the public.

(7) "Noncommercial handbill." Any printed or written matter, any sample device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(8) "Park." A park, reservation, playground, beach, recreation center, or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

(9) "Private premises." Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps,

vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(10) "Public place." Any and all streets, service drives, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(11) "Refuse." All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(12) "Rubbish." Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(13) "Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, street, alley, or service drive including devices used exclusively upon stationary rails or tracks. (1972 Code, § 8-402)

**11-603. Litter in public places.** No person shall throw or deposit litter in or upon any street, service drive, sidewalk, or other public place within the city, except in public receptacles, in authorized private receptacles for collection, or in official city dumps. (1972 Code, § 8-403)

**11-604. Litter to be placed in receptacles so as to prevent scattering.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, service drive, sidewalk, or other public place or upon private property. (1972 Code, § 8-404)

**11-605. Sweeping litter into gutter prohibited; duty to clean sidewalk.** No person shall sweep into or deposit in any gutter, street, service drive, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (1972 Code, § 8-405)

**11-606. Merchants' duty to keep sidewalk free of litter.** No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, service drive, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter. (1972 Code, § 8-406)

**11-607. Litter thrown by persons in vehicles.** No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, service drive, or other public place within the city or upon private property. (1972 Code, § 8-407)

**11-608. Vehicles or loads causing litter.** No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, service drive, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, service drive, alley, or other public place mud, dirt, sticky substance, litter, or foreign matter of any kind. (1972 Code, § 8-408)

**11-609. Litter in parks.** No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1972 Code, § 8-409)

**11-610. Litter in fountains, lakes, streams, etc.** No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city. (1972 Code, § 8-410)

**11-611. Throwing or distributing handbills in public places.** No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, service drive, or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street, service drive, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (1972 Code, § 8-411)

**11-612. Placing handbills on vehicles.** No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (1972 Code, § 8-412)

**11-613. Depositing handbills on uninhabited or vacant premises.** No person shall throw or deposit any commercial or noncommercial handbill in

or upon any private premises which are temporarily or continuously uninhabited or vacant. (1972 Code, § 8-413)

**11-614. Distribution of handbills prohibited where property is posted.** No person shall throw, deposit, or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "NO TRESPASSING." "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left upon such premises. (1972 Code, § 8-414)

**11-615. Distributing handbills at inhabited private premises.** No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to reasonably secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, service drives, or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States, not to newspapers (as defined in this chapter) except that newspapers shall be placed on private property in such a manner as to reasonably secure or prevent their being carried or deposited by the elements upon any street, service drive, sidewalk, or other public place or upon private property. (1972 Code, § 8-415)

**11-616. Dropping litter from aircraft.** No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object. (1972 Code, § 8-416)

**11-617. Posting notices prohibited.** No person shall post or affix any notice, poster, or other paper or device calculated to attract the attention of the public, to any lamppost, public utility pole, or shade tree or upon any public structure or building, except as may be authorized by the city council. (1972 Code, § 8-417)

**11-618. Litter on occupied private property.** No person shall throw deposit litter on any occupied private property within the city, whether owned



by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, service drive, sidewalk or other public place or upon any private property. (1972 Code, § 8-418)

**11-619. Premises to be maintained free of litter.** The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (1972 Code, § 8-419)

**11-620. Litter on vacant lots.** No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (1972 Code, § 8-420)

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. RESIDENTIAL CODE.
4. MODEL ENERGY CODE.
5. MECHANICAL CODE.

**CHAPTER 1**

**BUILDING CODE<sup>1</sup>**

**SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in manager's office.
- 12-104. Building permits.
- 12-105. Home owners may do own building, etc.
- 12-106. Exceptions.

**12-101. Building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities, and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the International Building Code,<sup>2</sup> 2015 edition, as published by the International Code Council, with the deletion of

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

Part VI (Gas Inspections), Part VIII (Electrical Inspections). The current code Appendix B, Recommended Schedule of Permit Fees (Building) allowing for yearly average local cost per square foot and current code. Appendix H Permit Fees (Plumbing Code) based on number and type of fixtures and allowing for yearly average local cost per square foot are hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1972 Code, § 4-101, modified, as amended by Ord. #494, Sept. 2007, Ord. #563, March 2013, and Ord. #579, April 2015)

**12-102. Modifications.** (1) Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city manager. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the building code.

(2) No building permit shall be required for routine maintenance items such as painting, installation of siding, roofing, insulation, storm windows, replacement of existing windows, and other such repair activities.

(3) Part V, Mechanical Inspections of the International Building Code, 2015 edition as published by the International Code Council, providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the City of Norris 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 previous ordinances. (1972 Code, § 4-102, as amended by Ord. #563, March 2013)

**12-103. Available in manager's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the city manager's office and shall be kept there for the review and inspection of the public. (1972 Code, § 4-103, modified)

**12-104. Building permits.**<sup>1</sup> Building permits shall be required and issued in accordance with the provisions of the building code and zoning ordinance except that:

(1) No building permit shall be issued for the erection of residential, commercial, industrial, accessory, or other structure on any land within the corporate limits of the City of Norris, Tennessee, unless and until a plat has been approved of having met all the requirements of the subdivision regulations.

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<sup>1</sup>A schedule of permit fees (including building permits) is of record in the recorder's office.

(2) The provisions of subsection (1) shall not apply to any structures structured upon lands belonging to the City of Norris.

(3) Any structure started or built in violation of this section is hereby declared a nuisance, and may be enjoined or removed. (1972 Code, § 4-104)

**12-105. Home owners may do own building, etc.** Nothing in this code shall prevent any homeowner from doing his own building, etc., on his own premises so long as he performs such work in accordance with the requirements of the building code. (1972 Code, § 4-501, modified)

**12-106. Exception.** The City of Norris opts out of any and all requirements of the 2015 edition of the building code for sprinkler systems in single family residential homes. (as added by Ord. #579, April 2015)

**CHAPTER 2****PLUMBING CODE<sup>1</sup>****SECTION**

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in manager's office.
- 12-204. Home owners may do own plumbing, etc.
- 12-205. Exception.

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506 and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities, and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the International Plumbing Code,<sup>2</sup> 2015 edition, as published by the International Code Council, with the deletion of Part VI (Gas Inspections), Part VIII (Electrical Inspections). The current code Appendix B, Recommended Schedule of Permit Fees (Building) allowing for yearly average local cost per square foot and current code. Appendix H Permit Fees (Plumbing Code) based on number and type of fixtures and allowing for yearly average local cost per square foot are hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1972 Code, § 4-201, modified, as amended by Ord. #494, Sept. 2007, Ord. #563, March 2013, and Ord. #579, April 2015)

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

A schedule of permit fees (including plumbing permits) is of record in the recorder's office.

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

**12-202. Modifications.** (1) Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager. Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code. Section 103 of the plumbing code is amended by deleting the words "repair, improve" from the text.

(2) Part V, Mechanical Inspections of the International Plumbing Code, 2015 edition as published by the International Code Council, providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the City of Norris 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 previous ordinances. (1972 Code, § 4-202, as amended by Ord. #563, March 2013)

**12-203. Available in manager's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the city manager's office and shall be kept there for the review and inspection of the public. (1972 Code, § 4-203, modified)

**12-204. Home owners may do own plumbing, etc.** Nothing in this code shall prevent any homeowner from doing his own plumbing, etc., on his own premises so long as he performs such work in accordance with the requirements of the plumbing code. (1972 Code, § 4-501, modified)

**12-205. Exception.** The City of Norris opts out of any and all requirements of the 2015 edition of the plumbing code for sprinkler systems in single family residential homes. (as added by Ord. #579, April 2015)

**CHAPTER 3****RESIDENTIAL CODE****SECTION**

- 12-301. Residential code adopted.
- 12-302. Modifications.
- 12-303. Available in manager's office.
- 12-304. Exception.

**12-301. Residential code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities, and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the International Residential Code,<sup>1</sup> 2015 edition, as published by the International Code Council, with the deletion of Part VI (Gas Inspections), Part VIII (Electrical Inspections). The current code Appendix B, Recommended Schedule of Permit Fees (Building) allowing for yearly average local cost per square foot and current code. Appendix H Permit Fees (Plumbing Code) based on number and type of fixtures and allowing for yearly average local cost per square foot are adopted, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the residential code. (1972 Code, § 4-501, modified, as amended by Ord. #494, Sept. 2007, Ord. #563, March 2013, and Ord. #579, April 2015)

**12-302. Modifications.** (1) Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the housing code. Wherever the "Chief Appointing Authority" is referred to it shall mean the city manager.

(2) Part V, Mechanical Inspections of the International Residential Code, 2015 edition as published by the International Code Council, providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the City of Norris are hereby referred to, adopted, and

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

made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in previous ordinances. (1972 Code, § 4-502, as amended by Ord. #563, March 2013)

**12-303. Available in manager's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the city manager's office and shall be kept there for the review and inspection of the public. (1972 Code, § 4-503, modified)

**12-304. Exception.** The City of Norris opts out of any and all requirements of the 2015 edition of the residential code for sprinkler systems in single family residential homes. (as added by Ord. #579, April 2015)



## CHAPTER 4

### MODEL ENERGY CODE<sup>1</sup>

#### SECTION

- 12-401. Model energy code adopted.
- 12-402. Modifications.
- 12-403. Available in manager's office.
- 12-404. Violation and penalty.

**12-401. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code<sup>2</sup> 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

**12-402. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Norris. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the energy code.

**12-403. Available in manager's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

been placed on file in the city manager's office and shall be kept there for the use and inspection of the public.

**12-404. 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 5****MECHANICAL CODE**<sup>1</sup>**SECTION**

- 12-501. Mechanical code adopted.
- 12-502. Modifications.
- 12-503. Available in manager's office.
- 12-504. Exceptions.

**12-101. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 to 6-54-506, and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities, and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the International Mechanical Code,<sup>2</sup> 2015 edition, as published by the International Code Council, with the deletion of Part VI (Gas Inspections), Part VIII (Electrical Inspections) are hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the mechanical code. (as added by Ord. #579, April 2015)

**12-502. Modifications.** Part V, Mechanical Inspections of the International Mechanical Code, 2015 edition as published by the International Code Council, providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the office of the City of Norris 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 previous ordinances. (as added by Ord. #579, April 2015)

**12-503. Available in manager's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical

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<sup>1</sup>A schedule of permit fees (including mechanical permits) is of record in the recorder's office.

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

code has been placed on file in the city manager's office and shall be kept there for the review and inspection of the public. (as added by Ord. #579, April 2015)

**12-504. Exception.** The City of Norris opts out of any and all requirements of the 2015 edition of the mechanical code for sprinkler systems in single family residential homes. (as added by Ord. #579, April 2015)

**TITLE 13**

**PROPERTY MAINTENANCE REGULATIONS**<sup>1</sup>

**CHAPTER**

1. SLUM CLEARANCE REGULATIONS.
2. JUNKED MOTOR VEHICLES.

**CHAPTER 1**

**SLUM CLEARANCE REGULATIONS**

**SECTION**

- 13-101. Findings of city council.
- 13-102. Definitions.
- 13-103. "Public officer" designated; powers.
- 13-104. Initiation of proceedings; hearings.
- 13-105. Orders to owners of unfit structures.
- 13-106. When public officer may repair, etc.
- 13-107. When public officer may remove or demolish.
- 13-108. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-109. Basis for a finding of unfitness.
- 13-110. Service of complaints or orders.
- 13-111. Enjoining enforcement of orders.
- 13-112. Additional powers of public officer.
- 13-113. Powers conferred are supplemental.
- 13-114. Structures unfit for human habitation deemed unlawful.

**13-101. Findings of city council.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1972 Code, § 4-601, as replaced by Ord. #562, Jan. 2013)

**13-102. Definitions.** (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering regulated: title 11, chapter 6.

be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the city council charged with governing the city.

(3) "Municipality" shall mean the City of Norris, 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. (1972 Code, § 4-602, as replaced by Ord. #562, Jan. 2013)

**13-103. "Public officer" designated; powers.** There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (1972 Code, § 4-603, as replaced by Ord. #562, Jan. 2013)

**13-104. 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 their 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 their 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. (1972 Code, § 4-604, as replaced by Ord. #562, Jan. 2013)

**13-105. 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, they shall state in writing their 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. (1972 Code, § 4-605, as replaced by Ord. #562, Jan. 2013)

**13-106. 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." (1972 Code, § 4-606, as replaced by Ord. #562, Jan. 2013)

**13-107. 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. (1972 Code, § 4-607, as replaced by Ord. #562, Jan. 2013)

**13-108. 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, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the

municipal tax collector, 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 as set forth in Tennessee Code Annotated, §§ 67-5-2010 and 67-5-2410. 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, the public officer 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 Anderson 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 Norris to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1972 Code, § 4-608, as replaced by Ord. #562, Jan. 2013)

**13-109. 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 they find 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 Norris. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (1972 Code, § 4-609, as replaced by Ord. #562, Jan. 2013)

**13-110. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons



may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Anderson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1972 Code, § 4-610, as replaced by Ord. #562, Jan. 2013)

**13-111. 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. (1972 Code, § 4-611, as replaced by Ord. #562, Jan. 2013)

**13-112. 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 they deem necessary to carry out the purposes of this chapter; and
- (5) To delegate any of their functions and powers under this chapter to such officers and agents as they may designate. (1972 Code, § 4-612, as replaced by Ord. #562, Jan. 2013)

**13-113. 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. #562, Jan. 2013)

**13-114. 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. #562, Jan. 2013)

## CHAPTER 2

### JUNKED MOTOR VEHICLES

#### SECTION

- 13-201. Definitions.
- 13-202. Declared public nuisance.
- 13-203. Order to remove.
- 13-204. Removal by city.
- 13-205. Exemptions.

**13-201. Definitions.** For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

(1) "Junked motor vehicles." A junked motor vehicle is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or the condition is:

- (a) Wrecked,
- (b) Dismantled,
- (c) Partially dismantled,
- (d) Inoperative,
- (e) Abandoned,
- (f) Discarded.

(2) "Motor vehicle." A motor vehicle is any vehicle which is self-propelled and any device in, upon, or by which any person or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(3) "City manager." The city manager or his duly authorized representative. (1972 Code, § 8-501, as amended by Ord. #493, July 2007)

**13-202. Declared public nuisance.** The location or presence of any junked motor vehicle on any lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance and it shall be unlawful for any person to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding a motor vehicle on the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon his own real property. This section shall not apply to:

- (1) Any junked motor vehicle in an enclosed building.
- (2) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the city. (1972 Code, § 8-502)

**13-203. Order to remove.** It shall be unlawful for the owner or occupant of the premises to fail, neglect, or refuse to obey such order within ten (10) days after service of the same, however the persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the city manager within the ten (10) day period of compliance for the purpose of defending the charges by the city. (1972 Code, § 8-503)

**13-204. Removal by city.** If the premises on which a junked motor vehicle is located contrary to this chapter are unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the city manager shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle and disposing of same in accordance with Tennessee Code Annotated, title 55, chapter 16. Such impoundment and disposition shall not relieve any person from liability for penalty upon conviction for violating other provisions of this chapter, but is in addition to any other penalty. (1972 Code, § 8-504)

**13-205. Exemptions.** The provisions of this chapter shall not apply to:

- (1) Vehicles in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.
- (2) Vehicles stored by a member of the armed forces of the United States who is on active duty assignment, and stored with the permission of the property owner.
- (3) Vehicles retained by the owner for bonafide antique collection purposes rather than for salvage purposes. (1972 Code, § 8-505)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

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

- 14-101. Creation and purpose.
- 14-102. Membership.
- 14-103. Organization, rules, staff, and finances.
- 14-104. Powers and duties.

**14-101. Creation and scope.** In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, a municipal planning commission is hereby created and established as authorized by Tennessee Pub. Acts 1935, ch. 34, and said commission shall be organized and empowered as follows. (1972 Code, § 11-101)

**14-102. Membership.** The municipal planning commission shall consist of seven (7) members. One of the members shall be the mayor of the City of Norris. One shall be a member of the city council selected by the council and the five (5) remaining members shall be citizens appointed by the mayor and ratified by the council. The terms of the five (5) appointive members shall be for three (3) years, excepting that in the appointment of the first municipal planning commission under the terms of this chapter, two (2) of the five (5) members shall be appointed for terms of three years, two (2) for terms of two (2) years, and one (1) for a term of one year. Any vacancy in any appointive membership shall be filled for the unexpired term by the mayor, with the approval of the council, who shall have the authority to remove any appointive member with the consent of the council. The terms of the mayor and the member selected from the city council shall run concurrently with their membership on the city council. All members shall serve without compensation. (1972 Code, § 11-102)

**14-103. Organization, rules, staff, and finances.** The municipal planning commission shall elect its chairman from among its appointive members. The term of the chairman shall be one year with eligibility for re-election. The commission shall adopt rules for its transactions, findings, and determinations, and shall keep a record of same which record shall be a public record to be filed with the city clerk. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the city council. (1972 Code, § 11-103)

**14-104. Powers and duties.** From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, the commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Pub. Acts 1935, ch. 34, ch. 44, and ch. 45, and other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1972 Code, § 11-104)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Norris shall be governed by Ordinance #341, titled "Zoning Ordinance, Norris, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #341, and any amendments thereto, are published as separate documents and are of record in the office of the city clerk.

**TITLE 15**

**MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

**CHAPTER 1**

**MISCELLANEOUS<sup>2</sup>**

**SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. School safety patrols.
- 15-111. Driving through funerals or other processions.
- 15-112. Clinging to vehicles in motion.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State 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. Riding on outside of vehicles.
- 15-114. Backing vehicles.
- 15-115. Projections from the rear of vehicles.
- 15-116. Causing unnecessary noise.
- 15-117. Vehicles and operators to be licensed.
- 15-118. Passing.
- 15-119. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-120. Delivery of vehicle to unlicensed driver, etc.
- 15-121. Compliance with financial responsibility law required.
- 15-122. Adoption of state traffic statutes.
- 15-123. – 15-128. Deleted.

**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. (1972 Code, § 9-101, as replaced by Ord. #576, Sept. 2014)

**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. (1972 Code, § 9-106, as replaced by Ord. #576, Sept. 2014)

**15-103. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1972 Code, § 9-107, as replaced by Ord. #576, Sept. 2014)

**15-104. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (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. (1972 Code, § 9-109, as replaced by Ord. #576, Sept. 2014)

**15-105. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1972 Code, § 9-110, as replaced by Ord. #576, Sept. 2014)

**15-106. 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. (1972 Code, § 9-111, as replaced by Ord. #576, Sept. 2014)

**15-107. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic. (1972 Code, § 9-112, as replaced by Ord. #576, Sept. 2014)

**15-108. General requirements for traffic-control signs, etc.** Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> and shall be uniform as to type and location throughout the city. (1972 Code, § 9-113, as replaced by Ord. #576, Sept. 2014)

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-504--15-509.

<sup>2</sup>For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the official compilation of the Rules and Regulations of the State of Tennessee, § 1680-03-01, et seq.

**15-109. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1972 Code, § 9-114, as replaced by Ord. #576, Sept. 2014)

**15-110. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1972 Code, § 9-115, as replaced by Ord. #576, Sept. 2014)

**15-111. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1972 Code, § 9-116, as replaced by Ord. #576, Sept. 2014)

**15-112. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1972 Code, § 9-117, as replaced by Ord. #576, Sept. 2014)

**15-113. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1972 Code, § 9-118, as replaced by Ord. #576, Sept. 2014)

**15-114. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1972 Code, § 9-120, as replaced by Ord. #576, Sept. 2014)

**15-115. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1972 Code, § 9-121, as replaced by Ord. #576, Sept. 2014)

**15-116. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1972 Code, § 9-122, as replaced by Ord. #576, Sept. 2014)

**15-117. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988." (1972 Code, § 9-123, as replaced by Ord. #576, Sept. 2014)

**15-118. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1972 Code, § 9-124, as replaced by Ord. #576, Sept. 2014)

**15-119. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.** (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including a vehicle that is fully enclosed, has three (3) wheels in contact with the ground, weighs less than one thousand five hundred pounds (1,500 lbs.), and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the 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, motor driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) (a) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head, either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(i) Except as provided in subdivisions (a)(i)-(iv), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR 571.218;

(ii) Notwithstanding any provision in 49 CFR 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed one and one-half inches (1 1/2") in diameter;

(iii) Notwithstanding any provision in 49 CFR 571.218, the protective surface shall not be required to be a continuous contour; and

(iv) Notwithstanding any provision in 49 CFR 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Foundation.

(b) This section does not apply to persons riding:

(i) Within an enclosed cab;

(ii) Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

(iii) Golf carts; or

(iv) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1972 Code, § 9-125, as replaced by Ord. #576, Sept. 2014)

**15-120. Delivery of vehicle to unlicensed driver, etc. (1) Definitions.**

(a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Norris unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city. (1972 Code, § 9-126, as replaced by Ord. #576, Sept. 2014)

**15-121. Compliance with financial responsibility law required.**

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under Tennessee Code Annotated, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial

Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the Department of Transportation or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected. (1972 Code, § 9-119, as replaced by Ord. #576, Sept. 2014)

**15-122. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302 and § 55-10-307, the City of Norris adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 to 55-8-131, §§ 55-8-133 to 55-8-150, and §§ 55-8-152 to 55-8-180. Additionally, the City of Norris adopts Tennessee Code Annotated, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, and § 55-21-108 by reference as if fully set forth in this section. (1972 Code, § 9-127, as replaced by Ord. #576, Sept. 2014)

**15-123. – 15-128. [Deleted.]** (as deleted by Ord. #576, Sept. 2014)



## 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. (1972 Code, § 9-102, as replaced by Ord. #576, Sept. 2014)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limit so long as life or property is not thereby endangered; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle. (1972 Code, § 9-103, as replaced by Ord. #576, Sept. 2014)

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

**15-203. Following emergency vehicles.** No driver of any vehicle other than one on official business shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1972 Code, § 9-104, as replaced by Ord. #576, Sept. 2014)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1972 Code, § 9-105, as replaced by Ord. #576, Sept. 2014)

### CHAPTER 3

#### SPEED LIMITS

##### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

25-304. Deleted.

**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. (1972 Code, § 9-201, as replaced by Ord. #576, Sept. 2014)

**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. (1972 Code, § 9-202, as replaced by Ord. #576, Sept. 2014)

**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 city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) 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. (1972 Code, § 9-203, as amended by Ord. #488, Nov. 2006, Ord. #519, July 2010, and replaced by Ord. #576, Sept. 2014)

**15-304. [Deleted.]** (1972 Code, § 9-204, as deleted by Ord. #576, Sept. 2014)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

**15-401. Generally.** Every driver who intends to turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in Tennessee Code Annotated, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement. (1972 Code, § 9-301, as replaced by Ord. #576, Sept. 2014)

**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. (1972 Code, § 9-302, as replaced by Ord. #576, Sept. 2014)

**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 such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (1972 Code, § 9-303, as replaced by Ord. #576, Sept. 2014)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1972 Code, § 9-304, as replaced by Ord. #576, Sept. 2014)

**15-405. U-turns.** U-turns are prohibited. (1972 Code, § 9-305, as replaced by Ord. #576, Sept. 2014)

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. When emerging from alleys, etc.
- 15-502. To prevent obstructing an intersection.
- 15-503. At railroad crossings.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. At pedestrian control signals.
- 15-509. Stops to be signaled.

**15-501. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. (1972 Code, § 9-401, as replaced by Ord. #576, Sept. 2014)

**15-502. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1972 Code, § 9-402, as replaced by Ord. #576, Sept. 2014)

**15-503. At railroad crossings.** (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad, and shall not proceed until that driver can do so safely. The foregoing requirements shall apply when:

- (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (b) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;
- (c) A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal

audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; and

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (1972 Code, § 9-403, as replaced by Ord. #576, Sept. 2014)

**15-504. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal. (1972 Code, § 9-404, as replaced by Ord. #576, Sept. 2014)

**15-505. At "yield" signs.** (1) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway or other roadway, or which are approaching so closely on the highway or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(2) Where there is provided more than one (1) lane for vehicular traffic entering a through highway or other public roadway, if one (1) or more lanes at such entrance are designated a yield lane by an appropriate marker, this section shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls. (1972 Code, § 9-405, as replaced by Ord. #576, Sept. 2014)

**15-506. At traffic-control signals generally.** Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully

within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone, or "Caution," when shown following the green or "Go" signal:

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing the signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(c) A left turn on a red or stop signal shall be permitted at all intersections within the city where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except that clearly marked by a "No Turn of Red" sign, which may be erected by the city at intersections which the city decides requires no left turns on red in the interest of traffic safety.

(d) The driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full

and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to § 15-506, "At traffic control signals generally," that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when such signal did not utilize a vehicle detection device or that any such device was not in fact inoperative due to the size of the motorcycle.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (1972 Code, § 9-406, as replaced by Ord. #576, Sept. 2014)

**15-507. At flashing traffic-control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, and the light is clearly visible for a sufficient distance ahead to permit such stopping, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1972 Code, § 9-407, as replaced by Ord. #576, Sept. 2014)



**15-508. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

(1) "Walk." Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing. (1972 Code, § 9-408, as replaced by Ord. #576, Sept. 2014)

**15-509. Stops to be signaled.** Every driver operating a motor vehicle who intends to stop such vehicle, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give the signal required in Tennessee Code Annotated, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement. (as added by Ord. #576, Sept. 2014)

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen inches (18") of the left edge or curb of the street.

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. (1972 Code, § 9-501, as replaced by Ord. #576, Sept. 2014)

**15-602. Angle parking.** On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1972 Code, § 9-504, as replaced by Ord. #576, Sept. 2014)

**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. (1972 Code, § 9-505, as replaced by Ord. #576, Sept. 2014)

**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; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is

(a) Physically handicapped, or

(b) Parking such vehicle for the benefit of a physically handicapped person.

A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21. (1972 Code, § 9-502, as replaced by Ord. #576, Sept. 2014)

**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. (1972 Code, § 9-506, as replaced by Ord. #576, Sept. 2014)

**15-606. Regulation by parking meters.** In the absence of an official sign to the contrary which has been installed by the city, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by

the city council, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (1972 Code, § 9-503, as replaced by Ord. #576, Sept. 2014)

**15-607. Lawful parking in parking meter spaces.** Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper payment has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1972 Code, § 9-507, as replaced by Ord. #576, Sept. 2014)

**15-608. Unlawful parking in parking meter spaces.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time, which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1972 Code, § 9-508, as replaced by Ord. #576, Sept. 2014)

**15-609. Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (as added by Ord. #576, Sept. 2014)

**15-610. Unlawful to deface or tamper with meters.** It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (as added by Ord. #576, Sept. 2014)

**15-611. Unlawful to deposit slugs in meters.** It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (as added by Ord. #576, Sept. 2014)

**15-612. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter,

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there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (as added by Ord. #576, Sept. 2014)

**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 driver license in lieu of bail.
- 15-707. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> 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. (1972 Code, § 9-601, as replaced by Ord. #576, Sept. 2014)

**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. (1972 Code, § 9-602, as replaced by Ord. #576, Sept. 2014)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.

State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

place specified in the citation. (1972 Code, § 9-602.1, as replaced by Ord. #576, Sept. 2014)

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been affixed to the vehicle and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1972 Code, § 9-603, as replaced by Ord. #576, Sept. 2014)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 to 55-16-109. (1972 Code, § 9-604, as replaced by Ord. #576, Sept. 2014)

**15-706. Deposit of driver's license in lieu of bail.** (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such 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 of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (1972 Code, § 9-605, as replaced by Ord. #576, Sept. 2014)

**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 for each separate offense as established by ordinance adopted by city council.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, his civil penalty shall be ten dollars (\$10.00).

(b) Other parking violations excluding handicapped parking. For other parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine as established by ordinance adopted by city council provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, his civil penalty shall be as established by ordinance adopted by city council. (1972 Code, § 9-603, as replaced by Ord. #576, Sept. 2014)



## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

#### 1. MISCELLANEOUS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

16-101. Regulation of construction on city street rights of way.

16-102. Regulation of all traffic hazards on city right of ways.

16-103. Requirement for removal of ice and snow from sidewalks in business district.

16-104. Certain animals not permitted on sidewalks.

16-105. Outdoor advertising on public ways and places.

#### **16-101. Regulation of construction on city street rights of way.**

(1) New construction. Any person, firm, or corporation desiring to commence any construction or installs any improvement on a road or access connecting to any city street or street right of way must obtain a written permit from the city manager prior to excavation for, or construction of, any structure or other improvements.

The applicant must adhere to the following procedure to obtain a permit:

(a) Before commencing construction or installation of any improvements on or connecting to any street or street right of way the owner, his duly authorized agent or contractor shall submit a performance bond or a certified check in an amount equal to the estimated cost of the required construction or improvements, however, such performance bond or certified check shall not be required for an individual application for a "driveway" permit to build an access which leads to or connects with a city street. A fifteen (\$15) dollar fee shall be filed with each application.

(b) Upon the application having been filed as provided above, the city manager shall make such investigation, including an inspection of the site, as may be necessary and shall thereupon issue a permit to be valid for sixty (60) days from the date of issuance. Such permit shall be issued in duplicate with one copy being delivered to the applicant and one

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

copy being retained by the city. The permit shall set forth such reasonable conditions as will assure (i) that proper and adequate provision shall be made for all road surface and drainage waters and so as not to interfere with the same, however, in no case shall the drainage pipe be less than twelve (12) inches. The drainage pipe shall be reinforced concrete or corrugated metal meeting Tennessee Department of Highway specifications.

(c) Upon completion of the construction the applicant shall notify the city manager. The city manager shall inspect the construction and certify as to compliance with the permit.

(d) If the applicant has fully complied with the conditions set forth in the permit, such notation shall be made on the city's copy of said permit. If the applicant has failed to comply with any of the conditions of the permit, the city manager shall notify the applicant in writing setting forth the item or items not in compliance, and shall designate the number of days allowed for full compliance.

(2) Existing construction. Existing driveways, connecting to the city's streets which are determined by the city manager to be hazardous from a safety standpoint, or as causing damage to city property, or as having inadequate provisions for drainage shall be corrected. The property owner shall be notified in writing of such nonconformance and shall be allowed a period of 90 days for correcting the nonconformity. (1972 Code, § 12-101)

**16-102. Regulation of all traffic hazards on city right of ways.** It shall be unlawful for anyone to erect, grow or place anything on city right of ways such that the point of said object closest to a line drawn perpendicular to the edge of the street pavement is less than two feet from said line. Two feet is a minimum, and some hazards such as trees and bushes which create visual impairments may require a greater setback as determined by the chief of police, building inspector, or city manager. (1972 Code, § 12-101(a))

**16-103. Requirement for removal of ice and snow from sidewalks in business district.** Every owner, tenant, lessee, or occupant of any building in the business district shall keep or cause to be kept the sidewalks and/or pedestrian ways abutting such property free from ice and snow provided, however, that tightly adhering ice may be sprinkled with sawdust, sand, salt, or other abrasive material so as to make the use of the sidewalk by pedestrians safe. (1972 Code, § 12-102)

**16-104. Certain animals not permitted on sidewalks.** No person owning or being in charge of same shall take, ride, drive, lead or permit any horses, mules, ponies, donkeys, cattle, sheep, goats, swine or similar livestock upon any of the sidewalks within the corporate limits of the City of Norris, except to cross driveways. (1972 Code, § 12-103)

**16-105. Outdoor advertising on public ways and places.**

(1) Definitions. When used in this section:

(a) "Outdoor Advertising" means any outdoor sign, display, device, bulletin, figure, painting, drawing, message, placard, poster, billboard or any other thing which is used to advertise or inform.

(b) "Erect" means to construct, build, raise, assemble, place, affix, attach, create or establish.

(c) "Person" means and includes, an individual, a partnership, an association, a corporation or other entity.

(2) Except as otherwise provided herein, it shall be unlawful for any person to erect outdoor advertising or structures on streets and other public ways and places.

(3) The following are exempt from the provisions of this section:

(a) Signs or markers identifying the location or depth of underground public utilities.

(b) Official public owned traffic control and informational signs.

(c) Temporary signs and/or structures erected by nonprofit organizations for special events such as Fourth of July celebrations, Christmas decorations, etc. Exemptions provided under this category must have the prior written approval from the city manager certifying that the planned temporary sign will not interfere with traffic and pedestrian safety and maintenance of the public property.

(d) Signs not in compliance with such restrictions as are imposed by the Zoning Ordinance of the City of Norris but for which permission for variance or special exception has been made by the Board of Zoning Appeals.

(e) Temporary signs providing direction to real estate which is open for showing and has a sales representative on the site may be erected on weekends and holidays so long as the sales representative is on the property. Such signs may not exceed two square feet in size and shall not interfere with traffic and pedestrian safety.

(f) Signs pertaining to the sale, lease, rental, or use of a lot or building, which meet the zoning ordinance requirements, and which due to terrain or vegetation are not visible to the public. Such signs must have the prior permission of the city manager to be erected on the nearest abutting public property. (1972 Code, § 12-104)

**TITLE 17**

**REFUSE AND TRASH DISPOSAL**<sup>1</sup>

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE**

**SECTION**

17-101. Definitions.

17-102. Premises to be kept clean; storage of refuse.

17-103. Abutting occupants to keep streets, etc., clean and not to deposit refuse thereon.

17-104. Collection and removal of garbage and refuse.

17-105. Disposal of refuse.

17-106. Burning of brush, etc.

17-107. Refuse/recycle collection fees.

**17-101. Definitions.** The following words are defined as indicated for the purposes of this chapter:

(1) "Refuse." The term "refuse" shall include garbage, rubbish, ashes, and all other putrescible and nonputrescible wastes except sewage, from all public and private establishments and residences.

(2) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognized industrial by-products, and shall include all such substances from all public and private establishments and from all residences.

(3) "Rubbish." The term "rubbish" shall include all non-putrescible wastes, except ashes, from all public and private establishments and from all residences.

(4) "Ashes." The term "ashes" shall include the waste products of coal and other fuels used for heating and cooking from all public and private establishments and from all residences.

(5) "Compost pile." The term "compost pile" shall include such substances as peat, leaf mold, manure, lime, grass clippings and corn stalks, thoroughly mingled and decomposed and confined within a reasonable area.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

Vegetable and animal matter causing offensive odors or likely to become a health hazard are excluded. (1972 Code, § 8-101)

**17-102. Premises to be kept clean; storage of refuse.** All persons within the corporate limits of Norris, Tennessee, are hereby required to keep their premises in a clean and sanitary condition, free from accumulation of garbage, offal, refuse, filth, rubbish or trash. All persons, firms, and corporations are hereby required to collect and deposit all such garbage, offal refuse, filth, or rubbish and trash accumulating on their several premises in closed receptacles kept on the premises for such purpose in such places as may be satisfactory for collection by the contractor.

No owner or lessee of any public or private premises shall permit to accumulate upon his premises any refuse except in covered containers approved by the city manager. Such containers shall be constructed in such a manner as to be strong, rodent proof, insect proof, and not easily corrodible, and shall be kept covered at all times except when refuse is being deposited therein or removed therefrom. In case garbage and other types of refuse are disposed of separately, separate containers may be required by the city manager. (1972 Code, § 8-102)

**17-103. Abutting occupants to keep streets, etc., clean and not to deposit refuse thereon.** Occupants of the premises shall be responsible for the sanitary condition of the streets, avenues, and alleys abutting the property or premises occupied by them and it shall be unlawful for any person to place, deposit, or sweep any garbage, offal, refuse, filth, or rubbish, trash, or ashes into the streets, avenues, driveways, or vacant lots of the City of Norris, Tennessee. (1972 Code, § 8-103)

**17-104. Collection and removal of garbage and refuse.** The removal of garbage within the corporate limits of the City of Norris shall be exclusively by the city, or by parties contracting with the city for such removal, and it shall be unlawful for any person, firm, or corporation not so contracting with the city to engage in such work, provided that this section shall not be considered to prohibit any person from removing and disposing of the garbage from his own premises to such places as may be designated by the mayor of the City of Norris, and provided further that this section shall not be construed to prohibit any person, firm, or corporation from disposing of stable manure by scattering the same upon gardens or lawns, or by selling or giving away the same for removal from his premises. This section shall not be construed to prohibit any person, firm or corporation from having a compost pile for the purpose of making fertilizer to be spread on lawns or gardens, etc. This section shall not be construed to relieve any person of the responsibility of paying the refuse collection fees as assessed in § 17-107.

All garbage and other refuse shall be collected sufficiently frequently to prevent a nuisance, but at least once in seven (7) days.

No person, firm, or corporation shall collect garbage or other refuse who does not possess a permit from the city manager. Such permit shall be issued only upon the payment of an annual permit fee of not less than \$1.00 per collection vehicle and only after the city clerk has satisfied himself that the licensee is capable of complying with the requirements of this code.

The collection of garbage and other refuse shall be by means of vehicles approved by the city manager. (1972 Code, § 8-104)

**17-105. Disposal of refuse.** It shall be unlawful for any person, firm, or corporation to dump garbage, refuse, or filth in any storm sewer or sanitary sewer within the corporate limits of the City of Norris.

All disposal of garbage and other refuse shall be by a method or methods specifically approved by the city manager and such method or methods shall include the maximum practicable rodent, insect, and nuisance control at the place or places of disposal, and no garbage shall be fed to hogs unless such garbage has first been heated to at least 212°F. and held there at least thirty (30) minutes in apparatus and by methods approved by the city manager. Provided further, that animal offal and carcasses of dead animals shall be buried or cremated as directed by the city manager, or shall be rendered at forty (40) pounds per square inch steam pressure or higher, or heated by equivalent cooking. (1972 Code, § 8-105)

**17-106. Burning of brush, etc.** No open fires of brush, leaves, grass, paper, or any other debris shall be permitted without obtaining permission from the Norris Fire Department. The fire department may first inspect the proposed burning site and material to be burned. (1972 Code, § 8-106)

**17-107. Refuse/recycle collection fees.** The following rates shall be applicable:

\$14.25 per month/household

<u>COMMERCIAL</u>	<u>MONTHLY RENTAL</u>	<u>SERVICE PRICE</u>
Container size		
8 yard	\$22.00	\$15.00
6 yard	\$20.00	\$12.00
4 yard	\$18.00	\$ 9.00

The City of Norris shall collect the sum provided for herein along with and as a part of the monthly water bill and in the event that payment of the monthly water bill is received without payment of refuse collection and disposal

fee the city shall utilize whatever legal means that it may deem appropriate to collect said charge for refuse collection and disposal.

In the event that any customer is not receiving a water bill, they shall be billed by separate billing. (1972 Code, § 8-107, as amended by Ord. #420, June 1995, Ord. #424, Oct. 1995, Ord. #470, June 2002, Ord. #477, Aug. 2003, Ord. #485, June 2005, and Ord. #564, March 2013)

**TITLE 18**

**WATER AND SEWERS<sup>1</sup>**

**CHAPTER**

1. WATER AND SEWERS.
2. CONSERVATION OF WATER.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. GENERAL WASTEWATER REGULATIONS.
5. INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS.

**CHAPTER 1**

**WATER AND SEWERS**

**SECTION**

- 18-101. Reading of meters and billing date.
- 18-102. Composition and term of commission.
- 18-103. Qualification, bond, oath, organization, compensation, and general powers and duties of the commission and/or its members.
- 18-104. Commission's authority to establish rules and regulations.
- 18-105. Fluoridation of water supply.
- 18-106. Circumvention of rules and regulations.
- 18-107. Schedule of charges for water and sewer service.
- 18-108. Charge for automatic sprinkler service.
- 18-109. No free water or sewer service.
- 18-110. Reading of meters and billing date.
- 18-111. Billing when meter is faulty or inaccurate.
- 18-112. Delinquency date and charge.
- 18-113. Discontinuance of service to delinquent customers.
- 18-114. Tap fees.
- 18-115. Non-refundable service connection fee.
- 18-116. Water and/or sewer service to be initiated or terminated only by authorized personnel.
- 18-117. Premises required to connect to sewers.
- 18-118. Water and sewer service to be charged for as a unit.
- 18-119. Repair and maintenance services and supplies and charges therefor.
- 18-120. Water and sewer main extensions or relocations.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.



- 18-121. Water and sewer main extension variances.
- 18-122. Penalties.

**18-101. Reading of meters and billing date.** All water meters shall be read monthly to the nearest one hundred (100) gallons and bills rendered on or as nearly as practicable to the tenth (10th) of each month, based on such reading. In the event of extreme weather conditions or other calamity, meter readings may be estimated based on the customer's average usage for the previous twelve (12) months. Any decision to issue a billing based on average usage will be made jointly by the water commission superintendent and secretary/treasurer, and billings will be noted "This billing is estimated based on customer average use." All bills shall be due and payable from and after the date such bills are rendered, at the office of the system, during the regular hours of business. (1972 Code, § 13-301, as replaced by Ord. #529, June 2011, and Ord. #588, Dec. 2015)

**18-102. Composition and term of commission.** The Norris Water Commission shall consist of three (3) members who are residents of the City of Norris. The term of each member shall be six (6) years. (1972 Code, § 13-302, as replaced by Ord. #529, June 2011)

**18-103. Qualification, bond, oath, organization, compensation, and general powers and duties of the commission and/or its members.** The members of the Norris Water Commission shall qualify in the manner required by Tennessee Code Annotated, § 7-35-401, et seq. Members shall be covered by the City of Norris blanket bond in the amount of ten thousand dollars (\$10,000.00) each, and after having taken the oath of office required for the governing officials of the City of Norris, the members shall meet for the purpose of conducting the organization of the commission as in Tennessee Code Annotated, § 7-35-409. The members of the commission shall receive no compensation for their services but that they shall be allowed necessary traveling and other expenses while engaged in the business of the board. The secretary/treasurer shall be the city manager who shall receive a salary per fiscal year in the amount to be determined by the commission. After the commission has perfected its organization it shall have and exercise all the powers and duties imposed on it by Tennessee Code Annotated, § 7-35-401, et seq. and shall operate and function in the manner and shall keep the records and accounts required by said chapter, subject to the making of such additional provisions of Tennessee Code Annotated, § 7-35-401, et seq. (1972 Code, § 13-303, as replaced by Ord. #529, June 2011)

**18-104. Commission's authority to establish rules and regulations.** The Norris Water Commissioners, constituted and appointed as provided in this

subsection and referred to in this subsection as the "board," has the power to take all steps and proceedings and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this part, subject only to limitations on matters requiring approval by the governing body of the city or town in question. From and after its first meeting, the board shall act in an advisory capacity to the governing body of the city in all matters pertaining to the financing of the enterprise and the acquisition of any or all parts of the proposed works or extensions to the works by purchase, condemnation or construction, and it is the board's duty to collect and furnish all necessary data and information, and to recommend such appropriate action by the governing body as may appear to the board to be necessary from time to time. The board shall have the power, and it shall be the board's duty, to proceed with all matters pertaining to construction, extensions, improvements and repairs necessary to proper completion of the works. After completion and acceptance of the works by the board, the board shall have the power, and it shall be its duty, to proceed with all matters and perform everything necessary to the proper operation of the works and collection of charges for services rendered, subject only to the limitation of funds available for operation and maintenance. To this end, the board may employ such employees as in its judgment may be necessary and may fix their compensation, all of whom shall do such work as the board shall direct. The board shall have power to employ contractors, engineers, and attorneys whenever in its judgment such services are necessary.

Rules and regulations established by the water commission shall become effective only after having been submitted to the city council at one (1) regular meeting, followed by a public notice of not less than fifteen (15) days, such public notice to be accomplished by depositing a copy of such rules with the city manager, which copy shall be available for public inspection at all normal business hours. All changes in the rules shall be accomplished in the manner herein above set forth. (1972 Code, § 13-304, as replaced by Ord. #529, June 2011)

**18-105. Fluoridation of water supply.** The Norris Water Commission is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Norris, Tennessee, to submit such plans to the Department of Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply, in accordance with such approval, as will adequately provide for the fluoridation of the water supply.

The cost of such fluoridation will be borne by the revenues of the Norris Water Commission. (1972 Code, § 13-305, as replaced by Orndd. #529, June 2011)

**18-106. Circumvention of rules and regulations.** It shall be unlawful for any party or person to take, obtain, or receive water from the municipal

water system of the City of Norris when all or any part of the water is obtained by piping or procuring same without it passing through a city water meter, or by bringing same through a city water meter or meter box which has been rendered inoperative for the purpose of avoiding payment for the water passing through the water meter.

It shall be unlawful for any party or person who is lawfully or otherwise, receiving water from the municipal water system of the City of Norris to arrange, cause, permit, and/or allow himself or any other party or person to obtain, take or receive such water for the purpose of delivering same to or using such water in connection with an additional house, commercial building, manufacturing establishment, or any other type of building, improvement, or facility which, under the requirements, rules, and regulations of the City of Norris and/or the Norris Water Commission, would be required to be separately served with water and charged for same as a separate or individual water customer unit.

It shall be unlawful for any party or person, either personally or by means of an agent, to take, obtain, or receive water from the municipal water system of the City of Norris in any way or manner which would circumvent or violate any of the requirements, rules, regulations, etc., of the City of Norris and/or the Norris Water Commission relative to the municipal water system.

For each water service month, or fractional part thereof, that any party or person shall unlawfully take, obtain, or receive water from the municipal water system of the City of Norris, in any way or manner as heretofore herein defined or described in this section, such party or person, in addition to any other water use charges, fees, deposits, fines, etc., for which liability may accrue, shall also be liable for the payment of the minimum monthly water and/or sewer service charges. (1972 Code, § 13-306, as replaced by Ord. #529, June 2011)

**18-107. Schedule of charges for water and sewer service.** The schedule of charges for application service fees is established in the fee schedule ordinance adopted by city council.<sup>1</sup> (as added by Ord. #529, June 2011)

**18-108. Charge for automatic sprinkler service.** The charge for services rendered is established in the fee schedule ordinance adopted by city council. (as added by Ord. #529, June 2011)

**18-109. No fee water or sewer service.** No water or sewer service shall be furnished or rendered free of charge to any person, firm, corporation, or to the city. (as added by Ord. #529, June 2011)

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<sup>1</sup>Ordinances amending the charges for water and sewer service are available in the office of the city recorder.

**18-110. Reading of meters and billing date.** All water meters shall be read monthly to the nearest one hundred (100) gallons and bills rendered on or as nearly as practicable to the 10th of each month, based on such reading. All bills shall be due and payable from and after the date such bills are rendered, at the office of the system, during the regular hours of business. (as added by Ord. #529, June 2011)

**18-111. Billing when meter is faulty or inaccurate.** In the event any meter shall be found to be inoperative during any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for water used during the current period shall be the average of the last three (3) monthly bills, unless the use is of a seasonable character in which case it shall be based on previous years usage for the same month. (as added by Ord. #529, June 2011)

**18-112. Delinquency date and change.** If any bill for water or sewer service shall be and remain due and unpaid after the twenty-seventh (27th) of the month of issue, there shall be an additional charge of ten percent (10%) added thereto. (as added by Ord. #529, June 2011)

**18-113. Discontinuance of service to delinquent customers.** If any bill for water or sewer service remains past due and unpaid thirty (30) days after the initial billing, the city will send a delinquent customer notice. The water commission will disconnect delinquent customers after forty-three (43) days from the initial billing, and not be reconnected until all past due bills have been paid in full, together with a reconnection charge as defined in the fee schedule ordinance adopted by city council.<sup>1</sup> It shall be the duty of the superintendent of the system to notify the operator of the system of such delinquency. The operator shall proceed to the premises of the user so in arrears and disconnect service. The arrival of the operator at the premises constitutes a charge to the delinquent customer. If the customer desires to pay the bill at that time, a collection fee as defined in the fee schedule ordinance adopted by city council must be paid along with all other past due bills or the water service must be disconnected. The superintendent of the system shall have discretion in instances where strict compliance is not enforced based upon knowledge of unique problems or circumstances of the residents involved; for instance, a death in the family or other hardship; in the absence of the superintendent, the secretary/treasurer shall have the same discretion. (as added by Ord. #529, June 2011, and replaced by Ord. #588, Dec. 2015)

**18-114. Tap fees.** The initial water tap shall be performed by the Norris Water Commission's employees or its approved contractors for a minimum

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<sup>1</sup>The fee schedule ordinances are of record in the office of the city recorder.

charge as defined in the fee schedule ordinance adopted by city council. The initial sewer tap shall be performed by the Norris Water Commission's employees or its approved contractors for a minimum charge as defined in the fee schedule ordinance adopted by city council. (as added by Ord. #529, June 2011)

**18-115. Non-refundable service connection fee.** Each new residential property owner and non-property owner customer shall render to the Norris Water Commission a non-refundable service connection fee. The schedule of charges for application service fees is established in the fee schedule ordinance adopted by city council. (as added by Ord. #529, June 2011)

**18-116. Water and/or sewer service to be initiated or terminated only authorized personnel.** Only employees of the commission will be permitted to initiate or terminate water and/or sewer service, or to reconnect service when it shall have been discontinued for non-payment of a bill for service. No reconnection for non-payment or other reasons shall be made until such bill shall have been paid in full, including the reconnection fee. It shall be unlawful for any person or persons to tamper with or change any water meter, or to make any connection or reconnection to the water or sewer system. (as added by Ord. #529, June 2011)

**18-117. Premises required to connect to sewers.** The city will require the owner, tenant, or occupant of each lot or parcel of land within the city which abuts upon a street or other public way containing a sanitary sewer, the elevation of which will permit a connection with such sanitary sewer, and upon which lot or parcel of land is situated a building for residential, commercial, or industrial use, to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste, or other polluting matter except for new homes built in 2011 with (permanent commission approved systems, as long as the commission approved deed restrictions, testing, and inspection approved as of May 19, 2014 remain in effect.) (as added by Ord. #529, June 2011, and amended by Ord. #552, July 2012, and Ord. #575, July 2014)

**18-118. Water and sewer service to be charged for as a unit.** The Norris Water Commission will combine charges for sewer and water service to the users thereof in one (1) statement and will bill the users of such services in such manner as to require the payment of both charges. (as added by Ord. #529, June 2011)

**18-119. Repair and maintenance services and supplies and charges therefor.** The Norris Water Commission is hereby authorized and empowered to contract for or render directly all supplies and/or construction,

repair, or maintenance services necessary for or incidents to the providing of water and/or sewer services in accordance with the authority of the commission, and to recommend to council equitable rates and/or charges to be paid by users, customers, and/or consumers for such supplies and/or construction, repair, or maintenance services. Such rates and charges shall be based upon actual or estimated costs plus twenty percent (20%) overhead, and are to be charged to the user, customer, or consumer for whom such supplies are furnished or for whom construction, repair, or maintenance services are rendered. The commission is authorized and empowered to establish the necessary rules and regulations to insure the orderly and uniform handling of such service charges. (as added by Ord. #529, June 2011)

**18-120. Water and sewer main extensions or relocations.** Persons desiring water and/or sewer main extensions or relocations must pay all of the cost of making such extensions.

All such extensions or relocations shall be installed either by Norris Water Commission personnel or by other forces working directly under the supervision of the Norris Water Commission in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions or relocations and the successful passing of appropriate construction quality tests such as pressure and vacuum testing as specified in TDEC design criteria, and their approval by the Norris Water Commission, such water and/or sewer mains shall become the property of the Norris Water Commission. The persons paying the cost of constructing such mains shall execute any written instruments requested by the Norris Water Commission to provide evidence of the Norris Water Commission's title to such mains. In consideration of such mains being transferred to it, the Norris Water Commission shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (as added by Ord. #529, June 2011)

**18-121. Water and sewer main extension variances.** Whenever the Norris Water Commission is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the Norris Water Commission, in accordance with the laws and regulations of the State of Tennessee.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (as added by Ord. #529, June 2011)

**18-122. Penalties.** Penalties for violations of §§ 18-101 through 18-122 are punishable by fines in accordance with the laws of the State of Tennessee. Violations may also result in the termination of service as provided by the Norris Water Commission. (as added by Ord. #529, June 2011)

**CHAPTER 2**

**CONSERVATION OF WATER**

**SECTION**

- 18-201. Declaration of a water shortage.
- 18-202. Prohibited acts during a declared water shortage.
- 18-203. Adoption of standby water rates.
- 18-204. Categories of water shortages with action to be taken.
- 18-205. Actions to be implemented during a declared water shortage.
- 18-206. Enforcement of prohibitions.
- 18-207. No liability of the Norris Water Commission or the City of Norris during a water shortage.
- 18-208. Definitions.
- 18-209. [Deleted.]
- 18-210. [Deleted.]
- 18-211. [Deleted.]
- 18-212. [Deleted.]
- 18-213. [Deleted.]
- 18-214. [Deleted.]
- 18-215. [Deleted.]
- 18-216. [Deleted.]
- 18-217. [Deleted.]
- 18-218. [Deleted.]
- 18-219. [Deleted.]
- 18-220. [Deleted.]
- 18-221. [Deleted.]

**18-201. Declaration of a water shortage.** The Norris Water Commission Superintendent is hereby authorized to declare a water shortage emergency to exist in accordance with the standards set out in § 18-204. The declarer must attempt to contact all water commissioners to inform them of the emergency action as soon as is possible. An end to a water shortage emergency must be declared by the superintendent and approved by the Norris Water Commission. The declaration may be scaled up or down during the emergency, as declared by the superintendent or his designee or Norris Water Commission. (1972 Code, § 13-101, as replaced by Ord. #529, June 2011)

**18-202. Prohibited acts during a declared water shortage.** There are prohibited water uses within the system's service area, when a water shortage emergency has been declared under § 18-201. Prohibited uses are detailed in § 18-205. (1972 Code, § 13-102, as replaced by Ord. #529, June 2011)



**18-203. Adoption of standby water rates.** During a declared water shortage the water rates will automatically increase to a "Standby Rate." This rate is a ten percent (10%) increase of the current water rates in all classes. It does not include sewer rates. The "Standby Rate" is specified in TDEC's Attachment C, Drought Responses. In the appendix the "Standby Rate" is triggered during the voluntary reduction of water use in a water shortage. (1972 Code, § 13-103, as replaced by Ord. #529, June 2011)

**18-204. Categories of water shortages with action to be taken.** The Norris Water Commission has four (4) categories of a water shortage emergency. They are listed below with an initiating condition and the actions to be taken in each category.

	<u>Category</u>	<u>Initiating Conditions</u>	<u>Actions</u>
1.	Water Alert	Drought conditions in the region, or a determination of the superintendent that demand is beginning to exceed supply.  Or, water storage is approaching the minimum volume required for fire protection or other essential needs.	Voluntary reductions
2.	Serious Shortage	A determination of the superintendent that demand is exceeding supply.	Mandatory water restrictions
3.	Critical Shortage	A determination of the superintendent that demand has exceeded supply.	Water use prohibitions
4.	Emergency	System failure or treatment plant failure, supply or system contamination, or any other catastrophic event.	Immediate notification of customers

(1972 Code, § 13-104, as replaced by Ord. #529, June 2011)

**18-205. Actions to be implemented during a declared water shortage.** The following will be implemented as listed for each of the water shortage categories in § 18-204 once a water shortage emergency has been declared.

(1) Category 1--Water Alert. The declaration will activate a process to notify the customers of the potential water shortage and what voluntary measures that are asked to be implemented. The customers will be asked to voluntarily:

(a) Cease frivolous use of water.

(b) Cease watering the landscape between the hours of 9:00 A.M. to 7:00 P.M.

(c) Water landscape during the hours not listed above, on alternative days. (Even numbered addresses on even days, odd numbered addresses on odd days.)

(d) Notify the local news media, if appropriate, to ask for their assistance in notifying customers.

(e) Initiate other water conservation measures that may be deemed appropriate by the water commission.

(2) Category 2--Serious Water Shortage. The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect.

(a) Cease frivolous use of water.

(b) Notify the local news media, if appropriate, to ask for their assistance in notifying customers.

(c) Notify outside agencies for assistance.

(d) Notify all fire departments of the situation.

(e) Initiate other water conservation measures that may be deemed appropriate by the water commission.

(f) Watering of landscape is prohibited, except for sod or plants that were planted within the previous two (2) weeks.

(g) Commercial greenhouses and greenery suppliers will limit their watering of plants to every other day. Watering will not be allowed from 9:00 A.M. to 7:00 P.M. Drip style irrigation shall be utilized unless permission to use other styles has been granted by the superintendent or his designee.

(h) No water for washing motorbikes, motor vehicles, boat trailers, or other vehicles except at a commercial washing facility that practices wash water recycling. (Exceptions include vehicles that must be cleaned to maintain public health and welfare such as food carriers and solid waste transfer vehicles.)

(i) No water to wash sidewalks, walkways, driveways, parking lots, tennis courts, and other hard-surfaced areas.

(j) No water to wash buildings and structures, except as needed for painting or construction.

(k) No water to wash buildings and structures, except as needed for painting or construction.

(l) No water for a fountain or pond for aesthetic or scenic purposes, except where necessary to support fish life.

(m) Discourage serving water to customers in restaurants unless water is requested by the customer. This action does not provide significant water savings, but is useful for generating awareness of the need to curtail use.

(n) Water only tees and greens and not other golf course areas.

(o) No water for dust control unless absolutely necessary.

(p) No water for gutter cleaning.

(q) Flushing of fire hydrants or water-mains will only be allowed to preserve water quality or system maintenance.

(r) No water to fill, refill, or add to any indoor or outdoor swimming pools or hot tubs, except if one (1) of the following conditions is met: the pool is used for a neighborhood fire control supply or the pool's use is required by a medical doctor's prescription.

(3) Category 3--Critical Water Shortage. The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect.

(a) All Category 2 restrictions will be in effect.

(b) No water from hydrants for construction purposes (except on a case-by-case basis as approved by the water superintendent), fire drills, or any purpose other than fire fighting.

(c) Implement limitations on commercial uses of water, depending on the severity of the shortage.

(d) Issue public service announcements to notify customers of the severity of the conditions.

(4) Category 4--Emergency Water Shortage. The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect.

(a) All Category 2 and 3 restrictions will be in effect.

(b) The water commission secretary in conjunction with the superintendent shall call an emergency water commission meeting. These decisions will be based upon whether the water use is defined as essential use, domestic use or non-essential use per the definitions found in § 18-208 of this chapter.

(c) Implement other actions as deemed necessary by the water commission. Implement backup plans: such as purchasing water from other systems, hauling water to the city, designating water distribution points and supplying bottled water. (1972 Code, § 13-105, as replaced by Ord. #529, June 2011)

**18-206. Enforcement of prohibitions.** Water waste prohibitions set forth in this chapter will be strictly enforced. Violators may be cited pursuant to City of Norris Municipal Code, and water service may be interrupted for violations as set forth herein. (1972 Code, § 13-106, as replaced by Ord. #529, June 2011)

**18-207. No liability of the Norris Water Commission or the City of Norris during a water shortage.** The water commission and/or city cannot and does not guarantee either sufficient supply or adequate or uniform pressure during a water shortage. The water commission and/or city shall not be liable for any damages or loss resulting from an inadequate or interrupted supply, from pressure variations, or for damages from the resumption of service when such conditions are not due to willful fault or neglect on its part. (1972 Code, § 13-107, as replaced by Ord. #529, June 2011)

**18-208. Definitions.** (1) "Essential use." The use of water is strictly for fire fighting, safety, sanitation, health and medical purposes, and the use to satisfy federal, state and local public health and safety requirements.

(2) "Domestic use." Any use of water for household purpose such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial establishment.

(3) "Non-essential use." All other uses for water other than essential or domestic use.

(4) "Customer." All persons using water provided by the Norris Water Commission both in and outside the City of Norris; regardless of whether any person using water shall have a contract for water service with the city. (1972 Code, § 13-108, as amended by Ord. #425, Dec. 1995, Ord. #444, May 1998, Ord. #456, May 2000, Ord. #462, May 2001, Ord. #474, May 2003, Ord. #479, May 2004, Ord. #483, May 2005, Ord. #492, May 2007, and Ord. #526, June 2011, and replaced by Ord. #529, June 2011)

**18-209. [Deleted.]** (1972 Code, § 13-109, as amended by Ord. #425, Dec. 1995, Ord. #456, May 2000, Ord. #474, May 2003, Ord. #479, May 2004, Ord. #483, May 2005, and Ord. #492, May 2007, and deleted by Ord. #529, June 2011)

**18-210. [Deleted.]** (1972 Code, § 13-110, as deleted by Ord. #529, June 2011)

**18-211. [Deleted.]** (1972 Code, § 13-111, as deleted by Ord. #529, June 2011)

**18-212. [Deleted.]** (1972 Code, § 13-112, as deleted by Ord. #529, June 2011)

**18-213. [Deleted.]** (1972 Code, § 13-113, as deleted by Ord. #529, June 2011)

**18-214. [Deleted.]** (1972 Code, § 13-114, as amended by Ord. #425, Dec. 1995, and deleted by Ord. #529, June 2011)

**18-215. [Deleted.]** (1972 Code, § 13-115, as replaced by Ord. #456, May 2000, amended by Ord. #479, May 2004, and deleted by Ord. #529, June 2011)

**18-216. [Deleted.]** (1972 Code, § 13-116, as deleted by Ord. #529, June 2011)

**18-217. [Deleted.]** (1972 Code, § 13-117, as deleted by Ord. #529, June 2011)

**18-218. [Deleted.]** (1972 Code, § 13-118, as deleted by Ord. #529, June 2011)

**18-219. [Deleted.]** (1972 Code, § 13-119, as deleted by Ord. #529, June 2011)

**18-220. [Deleted.]** (1972 Code, § 13-120, as deleted by Ord. #529, June 2011)

**18-221. [Deleted.]** (1972 Code, § 13-121, as deleted by Ord. #529, June 2011)

### CHAPTER 3

#### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

##### SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.
- 18-311. Backflow prevention determination.
- 18-312. Approved backflow prevention assemblies and methods.
- 18-313. Backflow prevention assembly installation requirements.
- 18-314. Existing backflow prevention assemblies.
- 18-315. Assembly performance evaluations and testing.
- 18-316. Corrections of violations.
- 18-317. Non-potable supplies.
- 18-318. Conflicting provisions.
- 18-319. Penalties.
- 18-320. Effective date.
- 18-321. Responsibility for water system.
- 18-322. Inspection and testing fees.
- 18-323. Thermal expansion control.
- 18-324. Water heater temperature--pressure relief valves.
- 18-325. Safety standards--duplicate equipment in parallel required.

**18-301. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Air gap." A physical separation between the free flowing discharge end of a potable water supply line and an open or non-pressurized receiving vessel.

(2) "Approved." Any condition, method, device, procedure accepted by the Tennessee Department of Environment and Conservation, Division of Water Supply, and the Norris Water Commission.

(3) "Approved air gap." An air gap separation with a minimum distance of at least twice the diameter of the supply line when measured vertically above the overflow rim of the vessel, but in no case less than one inch (1").

(4) "Auxiliary intake." Any piping connection or other device whereby water may be secured from any sources other than from the public water system.

(5) "Auxiliary water supply." Any water supply on or available to the premises other than water supplied by the public water system.

(6) "Backflow." The reversal of the intended direction of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a potable water system from any source.

(7) "Backpressure." A pressure in the downstream piping that is higher than the supply pressure.

(8) "Backsiphonage." Negative or sub-atmospheric pressure in the supply piping.

(9) "Backflow prevention assembly." An approved assembly designed to prevent backflow.

(10) "Bypass." Any system of piping or other arrangement whereby water may be diverted around a backflow prevention assembly, meter, or any other public water system controlled device.

(11) "Contamination." The introduction or admission of any foreign substances that cause illness or death.

(12) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(13) "Cross connection control coordinator." The person who is vested with the authority and responsibility for the implementation of the Cross Connection Control Coordinator Program and for the provision of this chapter/policy as assigned by the superintendent.

(14) "Customer." Any natural or artificial person, business, industry, or governmental entity that obtains water, by purchase or without charge, from the water provider.

(15) "Direct cross connection." An actual or potential cross connection subject to back siphonage and backpressure.

(16) "Double check detector assembly." A specially designed assembly composed of line size approved double check valve assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to three (3) gallons per minute and shall show a registration for all rates of flow. This assembly shall only be used to protect against non-health hazards and is designed primarily for use on fire sprinkler systems.

(17) "Double check valve assembly." An assembly of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between tightly closing resilient sealed shutoff valves and fitted with properly located resilient seated test cocks. This type of device shall only be used to protect against non-health hazard pollutants.

(18) "Failed." The status of a backflow prevention assembly determined by a performance evaluation based on the failure to meet all minimums set forth by the approved testing procedure.

(19) "Fire system classifications protection." The classes of fire protection systems, as designated by the American Water Works Association (M14) for cross connection control purposes based on water supply source and the arrangement of supplies, are as follows:

(a) Class 1: Direct connection to the public water main 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 well or other safe outlets.

(b) Class 2: Same as Class 1, except booster pumps may be installed in connection from the street mains.

(c) Class 3: Direct connection to public water supply mains in addition to anyone or more of the following: elevated storage tanks; fire pumps taking suction from above ground covered reservoirs or tanks; and pressure tanks.

(d) Class 4: Directly supplied from public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to premises, such as an auxiliary supply located within seventeen hundred feet (1,700') of the pumper connection.

(e) Class 5: Directly supplied from public water supply mains and interconnection with auxiliary supplies such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells or industrial water systems; where antifreeze or other additives are used.

(f) Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(20) "Hazard, degree of." A term derived from evaluation of the potential risk to public health and adverse effect of the hazard upon the public water system.

(21) "Hazard, health." A cross connection or potential cross connection involving any substance that could, if introduced in the public water supply, caused death, illness, and spread disease also known as a high hazard.

(22) "Hazard, plumbing." A cross connection in a customer's potable water system plumbing that is not properly protected by an approved air gap or backflow prevention assembly.



(23) "Hazard, non-health." A cross connection or potential cross connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply also known as low hazard.

(24) "Indirect cross connection." An actual or potential cross connection subject to backsiphonage only.

(25) "Industrial fluid." Any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution, or plumbing hazard if introduced into the public water supply. This shall include, but is not limited to: polluted or contaminated water; all type of process water or used water originating from the public water system and that may have deteriorated in sanitary quality; chemicals; planting acids and alkalis; circulating cooling water connected to an open cooling tower; cooling towers that are chemically or biologically treated or stabilized with toxic substance; contaminated natural water systems; oil, gases, glycerin; paraffin, caustic, and acid solutions, and other liquids or gases used in industrial processes, or for fire purposes.

(26) "Inspection." An on-site evaluation of an establishment to determine if backflow prevention assemblies are needed by the customer to protected public water system from actual or potential cross connections.

(27) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(28) "Passed." The status of a backflow prevention assembly determined by a performance evaluation in which the assembly meets all minimums set forth by the approved testing procedure.

(29) "Performance evaluation." An evaluation of an approved double check valve assembly or reduced pressure principle assembly (including approved detector assemblies) using the latest approved testing procedures in determining the status of the assembly.

(30) "Person." Any and all persons, natural or artificial, including any individual firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(31) "Pollutant." A substance in the public water system that would constitute a non-health hazard and would be aesthetically objectionable if introduced into the public water supply.

(32) "Pollution." The presence of a pollutant or substance in the public water system that degrades its quality so as to constitute a non-health hazard.

(33) "Potable water." Water that is safe for human consumption as prescribed by Tennessee Department of Environment and Conservation, Division of Water Supply.

(34) "Pressure vacuum breaker assembly." An assembly consisting of one (1) or two (2) independently operating spring loaded check valve(s) and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shutoff valve(s) on each side of the check valves and properly located test cocks for testing valves. This assembly is approved for internal use only and is not approved for premise isolation by the State of Tennessee.

(35) "Public water supply." An entity that furnishes potable water for general use and which is recognized as the public water supply by Tennessee Department of Environment and Conservation, Division of Water Supply.

(36) "Public water system." A water system furnishing water to the public for general use which is recognized as a public water supply by the State of Tennessee.

(37) "Reduced pressure principle assembly." An assembly consisting of two (2) independently acting approved check valves together with hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two (2) tightly closing resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks.

(38) "Reduced pressure principle detector assembly." A specially designed assembly composed of a line-size approved pressure principle backflow prevention assembly with a bypass containing a water meter and approved reduced pressure principle backflow prevention assembly specifically designed for such application. The meter shall register accurately for very low flow rates of flows up to three (3) gallons per minute and shall show registration for all flow rates. This assembly shall be used to protect against non-health and health hazards and used for internal protection.

(39) "Service connection." The point of delivery to the customer's water system; the terminal end of a service connection from the public water system where the water department loses jurisdiction and control over the water. "Service connection" shall include connections to fire hydrants and all other temporary or emergency water service connections made to the public water system.

(40) "State." The State of Tennessee, Tennessee Department of Environment and Conservation, Division of Water Supply.

(41) "Survey." An evaluation of a premise by Norris Water Commission personnel for the determination of actual or potential cross connection hazards and the appropriate backflow prevention needed.

(42) "Water system." The water system operated, whether located inside or outside, the City of Norris corporate limits thereof, 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 production, treatment, storage, and distribution of water, and shall include all those facilities of the water system under the complete control

of the water department, up to the point where the customer's system begins (i.e. downstream of the water meter).

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying water to the point of use. (1972 Code, § 13-201, as replaced by Ord. #529, June 2011)

**18-302. Standards.** The City of Norris Municipal Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-719 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1972 Code, § 13-202, as replaced by Ord. #529, June 2011)

**18-303. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent or his representative. (1972 Code, § 13-203, as replaced by Ord. #529, June 2011)

**18-304. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1972 Code, § 13-204, as replaced by Ord. #529, June 2011)

**18-305. Inspections required.** It shall be the duty of the cross connection manager/coordinator to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent and as approved by the Tennessee Department of Environment and Conservation. (1972 Code, § 13-205, as replaced by Ord. #529, June 2011)

**18-306. Right of entry for inspections.** The Norris Water Commission superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1972 Code, § 13-206, as replaced by Ord. #529, June 2011)

**18-307. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1972 Code, § 13-207, as replaced by Ord. #529, June 2011)

**18-308. Use of protective devices.** Where the nature of use of the water supplied a premise by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Norris Water Commission shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. They shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premise. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent. (1972 Code, § 13-208, as replaced by Ord. #529, June 2011)

**18-309. Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (as added by Ord. #529, June 2011)

**18-310. Violations.** The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits of the City of Norris and are hereby made a part of the conditions required to be met for the Norris Water Commission to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty under the general penalty provision of this code. Each day a violation is allowed to occur shall be a separate offense. (as added by Ord. #529, June 2011)

**18-311. Backflow prevention determination.** An approved backflow prevention assembly shall be installed on each service line to a customer's premises within five feet (5') of the water meter and in all cases before the first branch line leading off the service line, if it is impractical or easily altered to provide an effective air gap separation, when any of the following conditions exist:

(1) All premises listed as High Risk High Hazard including industrial fluids, sewage, or any other non-potable substances are handled in such a manner as to create actual or potential health hazard to the water system.

(2) All premises listed with actual or potential cross connections listed in approved plan criteria list.

(3) Premises having auxiliary water supply, including but not limited to a well, cistern, spring, pond, river, or creek that is not, or may not be, of safe bacteriological or chemical quality and that is not acceptable as an additional source by the cross connection control manager/coordinator or designee.

(4) The plumbing from a private well or other water supply entering the building served by the public water supply, or is connected, directly or indirectly, to the public water supply.

(5) The owner or occupant of the premises cannot, or is not willing to demonstrate that the water use and protective features of the plumbing are such that frequent alterations are made to the plumbing.

(6) The nature and mode of operation within the premises is such that frequent alterations are made to the plumbing.

(7) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required.

(8) There is likelihood that protective measures may be subverted, altered, or disconnected. Any premises having service and fire flow connections,

most commercial and educational buildings, construction sites, all industrial and medical facilities, lawn irrigation systems, public or private swimming pools, private fire hydrant connections used by any fire department in combating fires, photographic laboratories, standing ponds or other bodies of water, auxiliary water supplies, and wastewater treatment plants.

(9) Any premises having fountains, water softeners or other point of use treatment systems hot tubs or spas, or other type(s) or water using equipment.

(10) Premises otherwise determined by the cross connection control manager/coordinator or designee to create an actual or potential hazard to the public water system.

(11) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential health hazard to public water system, the public water system shall be protected by an air gap separation (at the discretion of water provider to allow) or a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

(12) In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

(13) A backflow prevention assembly shall be installed on each fire service line at the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line wherever any of the following conditions exist:

(a) Class 1, 2, and 3 fire protection systems shall require at minimum a double check valve (detector) assembly; provided however, that a reduced pressure principle (detector) shall be required:

(i) Underground fire sprinkler pipelines are parallel to and within ten feet (10') horizontally of pipelines carrying waste water or significantly toxic wastes; or

(ii) Premises having unusually complex piping systems;

(iii) The pumpers connecting to the system have corrosion inhibitors or other chemical added to the tanks of the fire trucks;

(iv) The piping system(s) has corrosion inhibitors or other chemical added to prevent freezing;

(v) An auxiliary water supply exists with one thousand seven hundred feet (1,700') of any likely pumper connection.

(b) Class 4, Class 5, Class 6 fire protection systems shall require an air gap, or a reduced pressure principle assembly (detector) as

determined by the cross connection control manager/coordinator or designee.

(c) Where a fire sprinkler system is installed on the premises, a minimum of a double check valve assembly (detector) shall be required.

(d) Where a fire sprinkler system uses chemicals, such as liquid foam, to enhance fire suppression a reduced pressure principle detector assembly shall be required.

(e) The cross connection control manager/coordinator may require internal or additional backflow prevention devices where it is deemed necessary to protect potable water supplies within the premises.

(14) In the case of any premises with an auxiliary water supply as set out in subsection (10), and not subject to any of the following rules, the public water system shall be protected by an air gap separation or a reduced pressure principle assembly.

(15) Double check valve assemblies (and detectors) may only be used for Class 1-3 fire protections systems (at the discretion of water provider to even allow).

(16) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential hazard to public water system, the public water system shall be protected by a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

(17) In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by a reduced pressure principle assembly (detector) or air gap separation (at the discretion of water provider) assembly on each service line to the premises.

(18) In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

(19) In the case of any premises where toxic substances are present that could pose an undue health hazard, the cross connection control manager/coordinator or designee may require an air gap 101 separation or reduced pressure principle assembly at the service connection to protect the public water system. In making this determination, the cross connection control manager/coordinator or his designee shall consider the degree of hazard based on criteria list in approved plan. (as added by Ord. #529, June 2011)



**18-312. Approved backflow prevention assemblies and methods.**

(1) All backflow prevention assemblies shall be fully approved and listed as acceptable by the State of Tennessee as to manufacture, model, size, application, orientation, and alterations. The assembly must have a status of "passed" determined by performance evaluations to suffice as an approved backflow prevention assembly. The method of installation of backflow prevention devices shall comply with installation criteria set forth by this policy/chapter and the State of Tennessee. Installation shall be at the sole expense of the owner or occupant of the premises.

(2) The type of protective assembly required by this policy/chapter shall depend on the degree of hazard that exists. Reduced pressure principle assemblies (detector) may be used for health hazards and non-health hazards. Double check valve assemblies (detector) may only be used for non-health hazards and is limited to Class 1-3 fire systems only.

(3) Pressure vacuum breakers, spill-resistant vacuum breakers, and atmosphere vacuum breaker are not allowed for premise isolation and will not satisfy the requirements of this policy/chapter for adequate backflow prevention due in part to the inability to protect against backpressure. (as added by Ord. #529, June 2011)

**18-313. Backflow prevention assembly installation requirements.**

Minimum acceptable criteria for installation of backflow prevention assemblies shall include the following (include installation criteria listed in approved plan):

(1) All backflow prevention assemblies shall be installed at minimum in the approved orientation as indicated by the latest approved list.

(2) All new assemblies installed must be on the approved assemblies list maintained by the division of water supply and existing assemblies must have status of approved.

(3) Installation of assemblies shall be performed by person granted authority by the Norris Water Commission. All backflow prevention assemblies installed for fire protection systems must be performed by persons possessing a fire sprinkler contractor license. Evidence of current certifications license must be on file with the cross connection control manager/coordinator before any installation or testing of the devices can be performed.

(4) All assemblies shall be installed in accordance with the manufacturer installation instructions and by the State of Tennessee installation guide, from the state manual or policies on cross connection control, unless such instructions are in conflict with this policy, in which case the policy/chapter shall control, and shall possess all test cocks and fittings required for testing the assembly. All test cocks will be fitted with adapters and all fittings shall permit direct connection to test kits used by the department.

(5) The entire assembly including test cocks and valves shall be easily accessible for testing and repair and shall meet all confined space requirements of OSHA/TOSHA.

(6) Reduced pressure backflow prevention assemblies shall be located so that the relief valve discharge port is a minimum of twelve inches (12"), plus nominal diameter of the supply line, above the floor surface. The maximum height above the floor surface shall not exceed inches (60").

(7) Clearance of devices from wall surfaces or other obstructions shall be a minimum of six inches (6"); or if a person must enter the enclosure for repair or testing, the minimum distance shall be twenty-four inches (24").

(8) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging substance.

(9) Devices shall be positioned where discharge from a relief port will not create undesirable conditions. An approved air gap shall separate the relief port from any drainage system. Such air-gap shall not be altered without the specific approval of the department.

(10) Devices shall be located in an area free from submergence or flood potential and cannot be placed in a pit.

(11) All devices shall be adequately supported to prevent sagging.

(12) An approved strainer, fitted with a test cock, shall be installed immediately upstream of all backflow prevention assemblies or shut-off valve, except on fire lines, using only non-corrosive fittings (e.g. brass or bronze) in the device assembly.

(13) Gravity drainage is required on all installations. Below ground installations shall not be permitted for reduced pressure principle assemblies (detectors).

(14) Fire hydrants drains shall not be connected to the sanitary sewer, and fire hydrants shall not be installed in such manner that back siphonage or backflow through the drain may occur.

(15) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in fire protection system, the discharge of the pump shall be on the downstream side of any check valve or backflow prevention assembly. Where the supply for the jockey pump is taken from the upstream supply side of the check valve or backflow prevention assembly, a backflow prevention assembly of the same type(s) required on the main line shall be installed on the supply line.

(16) Fixed position, high volume fire pumps shall be equipped with suction limiting control to modulate the pump if the residual line pressure reaches 20 psi. If line pressure drops below 20 psi, the pump will shut off to protect the distribution system. This shut off system must be tested annually for proper operation and report of the test must be sent to the office of cross connection control. (as added by Ord. #529, June 2011)

**18-314. Existing backflow prevention assemblies.** (1) All presently installed backflow prevention assemblies which were previously acceptable to the State of Tennessee that comply with installation, testing, and maintenance

requirements of this policy/chapter and in the sole discretion of the cross connection control manager/coordinator or designee adequately protect the public water system from backflow and that were approved assemblies for the purpose described herein at the time of installation may be retained in service.

(2) Location or space requirements shall not be cause for re-location or replacement of any backflow prevention assembly that is presently installed in a vertical run of pipe shall be replaced, reinstalled, in an approved manner in a horizontal run of pipe.

(3) Wherever an existing assembly is moved from the present location or when the inspector finds that the conditions of the assembly constitutes a health hazard, the unit shall be replaced by the backflow prevention assembly meeting the requirements of this policy/chapter. (as added by Ord. #529, June 2011)

**18-315. Assembly performance evaluations and testing.** (1) All assemblies used to protect the public water system must be tested every twelve (12) months. In those instances where the cross connection manager/coordinator deems the hazard to be great enough, performance evaluation may be required at more frequent intervals.

(2) Any assembly not tested within a twelve (12) month period will be deemed not approved and have a status of "failed." The customer will be sent notification that the assembly is not in compliance with this chapter or policy.

(3) All assemblies must be deemed "passed" for each initial and subsequent annual performance evaluations to satisfy as approved backflow prevention assembly.

(4) All assemblies will be tested by backflow prevention assembly tester possessing a valid (see definition) Certificate of Competency in Testing and Evaluation Backflow Prevention Assemblies issued by the State of Tennessee.

(5) All performance evaluation must be performed with an annually certified test kit.

(6) Certifications for test kits are valid for one (1) year after certification is performed. If the test kit is not decertified after one (1) year, it is deemed expired.

(7) Test kits must be certified annually and the backflow prevention assembly tester must show proof of certification from manufacturer-approved entities. No performance evaluations will be accepted from a backflow prevention assembly tester with an expired test kit certification.

(8) Proof of annual's kit certification and certificate of competency must be kept on file for each tester by Norris Water Commission.

(9) Backflow prevention assembly testers must test and evaluate according to the latest division of water supply's latest approved procedures for reduced pressure principle assembly and the double check valve assembly.

(10) If any test does not meet the minimum requirements set forth in the approved testing procedure, the assembly is deemed "failed" and does not suffice as an approved backflow prevention device. If conditions around the assembly do not allow the assembly to be tested, the assembly fails the assembly performance evaluation and is marked "failed" on test report. (Examples would include assembly is submerged, test cocks missing or plugged, relief valve continually discharging.)

(11) Backflow prevention assemblies are deemed "passed" if all parts of the performance evaluation meet the minimum requirements in the approved testing procedure.

(12) Each location requiring an assembly will have a documented backflow prevention assembly, if the assembly at the address cannot be identified or is not the same, the water provider will be notified and a determination of which assembly is used for protection of the water system. (All areas that need protection will be listed by address and location along with the serial number of device.)

(13) Test reports must be completely and accurately documented and the appropriate evaluation ("passed" or "failed") determined from testing procedure. Any test report that is not recorded completely in the sections pertinent to the results of the performance evaluation tests will not be accepted by the Norris Water Commission.

(14) All performance evaluations on file will be recorded on a state and Norris Water Commission approved test report.

(15) Assemblies must be tested when installed and after every repair. Backflow prevention assemblies on lawn irrigation systems must be tested when assemblies are placed in service after winterization (to prevent testing just prior to winterization). If lawn irrigation backflow assemblies are taken removed to winterize the system, upon startup of the system, the assemblies must be retested.

(16) Failure to maintain a backflow prevention assembly that is deemed "passed" shall be grounds for discontinuance of water service. The removal, bypassing, or altering of a protective device or installation, without the approval of the cross connection control manager/coordinator or designee, thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction this chapter/policy and the cross connection control manager/coordinator or designee.

(17) The Norris Water Commission shall require the occupant of the premises to keep the backflow prevention assembly working properly and a status of "passed." Repairs shall be made by qualified personnel acceptable to the Norris Water Commission within the time limits set forth by this policy. Expense of such repairs shall be borne by the owner or occupant of the premises.

The failure to maintain a backflow prevention assembly in proper working order and a status of "passed" shall be grounds for discontinuance of water service.

(18) The backflow prevention assembly must be tested after every repair and have a status of "passed" to be in compliance with this policy/chapter.

(19) Cross connection control manager/coordinator or designee shall have the right to inspect and test any assemblies whenever it is deemed necessary. Water service shall not be disrupted to the assembly without the knowledge of the occupant of the premises.

(20) Recommendation and suggestions. Provision should be made for fire sprinkler system testing, if third party testing is allowed, no problem, however if the utility or municipality should elect to test all assemblies, a allowance should be given for fire sprinkler contractors to test in accordance to division of fire prevention rigs. Those with fire sprinkler license will also be required to have a valid certificate of competency and all other requirements set forth by this policy/chapter.

(21) Any backflow prevention assembly tester found by the Norris Water Commission to be negligent in performing testing procedures or falsifying documentation in regards to a backflow prevention assembly will not be allowed continued approval to submit test reports. The Norris Water Commission may allow the backflow prevention assembly tester to perform testing at a later date, at the discretion of the cross connection control manager/coordinator or designee.

(22) Backflow prevention assembly testers must have approval from the Norris Water Commission before any test reports are accepted. The Norris Water Commission will issue a copy of the latest approved ordinance/policy from the Norris Water Commission and require the signature of the tester acknowledging requirements and responsibilities before allowance of submittal of test reports.

(23) All performance evaluations, tests, and repairs shall be at the expense of the customer and shall be performed by backflow prevention assembly testers that satisfy all requirements of this chapter/policy.

(24) Original records of evaluations and repairs shall be supplied to the cross connection control manager/coordinator or designee for retention. (as added by Ord. #529, June 2011)

**18-316. Corrections of violations.** (1) Any customer having cross connections, auxiliary intakes, bypasses, or interconnection(s) in violation of this chapter/policy shall, after a thorough investigation of existing conditions and an appraisal of the time required, complete the work within the time designated by the cross connection control manager/coordinator or designee, but in no case shall the time for correction exceed thirty (30) days for high and low hazards or fourteen (14) days for high risk high hazards.

(2) Failure to comply with any order of the cross connection control manager/coordinator or designee within the time set out therein shall result in the termination of water service.

(3) Where cross connections, auxiliary intakes, bypasses, or interconnections are found to constitute a high risk high hazard, the Norris Water Commission, the cross connection control manager/coordinator or designee shall require prompt corrective action (within fourteen (14) days) to be taken to eliminate the threat. Expeditious steps shall be taken to disconnect the public water system from the customer's piping systems unless the extreme hazard is corrected immediately.

(4) Failure to correct conditions threatening the safety of the public water system as prohibited by this chapter or Tennessee Code Annotated, § 68-221-711 within the time limits set by the cross connection control manager/coordinator or designee or this chapter/policy, shall be cause for denial or termination of water service. If proper protection is not provided after times set forth in this policy/chapter, the cross connection control manager/coordinator or designee shall give the customer written notification that water service is to be discontinued, and thereafter physically separate the public water system from the customer's system in such a manner that the two (2) systems cannot be connected by an unauthorized person.

(5) Length of time for correction of violations for failed or nonexistent protection on extreme high hazard and high hazard and the letters sent shall be no more than thirty (30) days.

(6) In the event that a backflow prevention assembly is deemed "failed" (initial or annual performance evaluation), failure to install backflow prevention assemblies as requested by the Norris Water Commission, or there are deficiencies in the installation from failure to conform to the installation criteria specified in this chapter, or from deterioration, then the cross connection control manager/coordinator or designee will typically issue a written notice of failure or deficiency within ten (10) days. The time limit is dependent on risk of contamination and may not be greater than thirty (30) days. (as added by Ord. #529, June 2011)

**18-317. Non-potable supplies.** (1) Any water outlet connected to auxiliary water sources, industrial fluid systems, or other piping containing non-potable liquids or gases, which could be used for potable or domestic purposes, shall be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

(2) The minimum acceptable sign shall have black letters at least one inch (1") high on red background.

(3) Color coding of piping in accordance with the Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the inspector. Such color-coding is necessary to identify and protect the potable water supply. (as added by Ord. #529, June 2011)

**18-318. Conflicting provisions.** If any provision of this chapter/policy is found to conflict with any provision of any other ordinance/policy, then the provision of this chapter shall control. That should any part, or parts of this chapter/policy be declared invalid for any reason, no other part, or parts, of this chapter shall be affected thereby. (as added by Ord. #529, June 2011)

**18-319. Penalties.** Any person responsible for a violation of this policy/chapter may be subject to a civil penalty as allowed by Tennessee state law. Each day a violation occurs shall constitute a separate offense. In addition to the foregoing fines and penalties, the cross connection control manager/coordinator or designee shall discontinue the public water service at any premises upon connection and service shall not be restored until such cross connection, auxiliary intake, bypass, or interconnection has been discontinued. Independent of and in addition to fines penalties imposed, the cross connection control manager/coordinator 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. Damages to Norris Water Commission facilities shall result in additional civil action(s) as allowed by Tennessee state law. (as added by Ord. #529, June 2011)

**18-320. Effective date.** This code shall take effect from and after its passage and publication as the law directs, the public welfare requiring it. (as added by Ord. #529, June 2011)

**18-321. Responsibility for water system.** (1) Notwithstanding any provisions of a plumbing code adopted by units of local government having jurisdiction, the cross connection control manager/coordinator or designee shall be responsible for protecting the water system from contamination or pollution due to implementation and enforcement of this policy. Such authority shall extend beyond service connection to whatever extent is necessary to meet the requirements of this policy/chapter.

(2) The authority to terminate water service for violation of any provisions of this policy/chapter shall rest solely with the cross connection control coordinator/manager, the assistant or designee shall have authority to take action to protect public health and safety.

(3) This section shall not be construed to prevent other officers or employees of the Norris Water Commission from terminating water service for failure to pay for water service, or for violation of any other provision of the water system policy/chapter. (as added by Ord. #529, June 2011)

**18-322. Inspection and testing fees.** (1) Fees for initial or annual certification of a backflow prevention assembly may be published by the Norris

City Council, based on the recommendation of the Norris Water Commission to reflect the cost of processing such certification.

(2) In the event that a backflow prevention assembly is deemed "failed" after the initial and annual performance evaluations, or there are deficiencies in the installation either from failure to conform to the installation criteria specified in this chapter/policy, or from deterioration, then the cross connection control manager/coordinator or designee shall issue a written notice of failure or deficiency.

The cross connection control manager/coordinator may waive any fees and/or cost that should be appropriately relieved. (as added by Ord. #529, June 2011)

**18-323. Thermal expansion control.** A device for the control of thermal expansion shall be installed on the customer's water system where the thermal expansion of the water in the system will cause the water pressure to exceed the pressure setting of the pressure relief valve of the water heater. The thermal expansion device shall control the water pressure to prevent the pressure relief valve of the water heater from discharging. (Perhaps mention closed systems on residential areas about discharging water heaters at minimum.) (as added by Ord. #529, June 2011)

**18-324. Water heater temperature--pressure relief valves.** All storage water heaters operation above atmospheric pressure shall be provided with an approved, self-closing (levered) pressure relief and temperature valve or combination thereof, except for nonstorage instantaneous heaters. Such valves shall be installed in the shell of the water heater tank or may be installed in hot water outlet, provided the thermo-bulb extends into the shell of the tank.

Temperature relief valves shall be so located in the tank as to be actuated by water in the top one-eighth (1/8) of the tank served.

For installations with separate storage tank, said valve shall be installed on the tank and there shall not be any type of valve installed between the water heater and the storage tank. There shall not be a check valve or shut off valve between a relief valve and the heater or tank which it serves. The relief valve shall not be used as a means of controlling thermal expansion. (as added by Ord. #529, June 2011)

**18-325. Safety standards--duplicate equipment in parallel required.** Where the use of water is critical to the continuation of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair a backflow prevention assembly. Until such time as a parallel unit has been installed where the continuance of service is critical, the cross connection control manager/coordinator or designee shall notify the occupant of the premises, in writing, of plans to interrupt water service and arrange for a mutually



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acceptable time to test or repair the assembly. (as added by Ord. #529, June 2011)

**CHAPTER 4****GENERAL WASTEWATER REGULATIONS****SECTION**

- 18-401. Purpose and policy.
- 18-402. Administrative.
- 18-403. Definitions.
- 18-404. Proper waste disposal required.
- 18-405. Private domestic wastewater disposal.
- 18-406. Connection to public sewers.
- 18-407. Septic tank effluent pump or grinder pump wastewater systems.
- 18-408. Regulation of holding tank waste disposal or trucked in waste.
- 18-409. Discharge regulations.
- 18-410. Enforcement and abatement.
- 18-411. [Deleted.]
- 18-412. [Deleted.]
- 18-413. [Deleted.]
- 18-414. [Deleted.]

**18-401. Purpose and policy.** This chapter sets forth uniform requirements for users of the City of Norris, Tennessee, wastewater treatment system and enables the city to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are to establish uniform requirements:

- (1) To protect public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the Norris Water Commission to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Norris must have adequate wastewater treatment

either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable wastewater to the wastewater treatment facility. Chapter 4 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 4 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. (1972 Code, § 8-201, as replaced by Ord. #529, June 2011)

**18-402. Administrative.** Except as otherwise provided herein, the local administrative officer of the Norris Water Commission shall administer, implement, and enforce the provisions of this chapter. (1972 Code, § 8-202, as replaced by Ord. #529, June 2011)

**18-403. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Administrator." The Administrator of the United States Environmental Protection Agency.

(2) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. § 1251, *et seq.*

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized or "duly authorized representative" of industrial user:

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary

systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his/her designee.

(d) The individual described in subsections (a) through (c) above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Norris Water Commission.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the discharge regulations listed in § 18-409 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20° C) expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The National Categorical Pretreatment Standards" or "pretreatment standard" as found in 40 C.F.R. chapter I, subchapter N, parts 405-471.

(9) "City." The city council of the City of Norris, Tennessee.

(10) "Commissioner." The Commissioner of Tennessee Environment and Conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" refers to the "approval authority," defined herein above; or the local hearing authority if the city has an approved pretreatment program under the provisions of 40 C.F.R. 403.11.

(14) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(15) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

(18) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(19) "Domestic wastewater." Wastewater that is generated by a single family home, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(20) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate, the term also may be used as a designation for the administrator or other duly authorized official of the said agency.

(21) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(22) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the

parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less.

(24) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or more.

(25) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(26) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(27) "Indirect discharge." The introduction of pollutants into the WWF from any source.

(28) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. § 1342).

(29) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

(30) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(31) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(32) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(33) "Local administrative officer." The chief administrative officer of the local hearing authority.

(34) "Local hearing authority." The Norris Water Commission, as appointed by city council to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-405.

(35) "National categorical 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.

(36) "NAICS" or "North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and

the United States. It replaces the Standard Industrial Classification (SIC) system.

(37) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of parts (a)(ii) or (iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(38) "NPDES" or "National Pollution Discharge Elimination System."

The program for issuing, conditioning, and denying permits for the discharge of

pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Clean Water Act as amended.

(39) "Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

(40) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(41) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. pH minimums and maximums are determined by the State of Tennessee issued NPDES permit.

(42) "Pollution." The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

(43) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(44) "Pretreatment" or "treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 C.F.R. section 403.6(d).

(45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(46) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(47) "Pretreatment standards" or "standards." A prohibited discharge standard categorical pretreatment standard and local limit.

(48) "Publicly Owned Treatment Works" or "POTW." A treatment works as defined by section 212 of the Act (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey



wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See Wastewater Facility (WWF), found in definition number (63), below.

(49) "Shall" is mandatory; "may" is permissive.

(50) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 C.F.R. 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 C.F.R. 403.8(f)(6)).

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under section 205(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(52) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(53) "Standard Industrial Classification" or "SIC." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(54) "State." The State of Tennessee.

(55) "Storm sewer" or "storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(56) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(57) "Superintendent." The local administrative officer or person designated by the officer 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.

(58) "Surcharge." An additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a monthly average or daily maximum limit will not result in enforcement action.

(59) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids.

(60) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(61) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(62) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

(63) "Wastewater." The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(64) "Wastewater facility." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

(65) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(66) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (1972 Code, § 8-203, as replaced by Ord. #529, June 2011)

**18-404. Proper waste disposal required.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or city or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for

the disposal of sewage except for new homes built in 2011 with (permanent commission approved systems, as long as the commission approved deed restrictions, testing, and inspection approved as of May 19, 2014 remain in effect.)

(4) Except as provided in subsection (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter except for new homes built in 2011 with (permanent commission approved systems, as long as the commission approved deed restrictions, testing, and inspection approved as of May 19, 2014 remain in effect.) Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Discharging into the sanitary sewer without permission of the city is strictly prohibited and is deemed "theft of service."

(6) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-405 of this chapter.

(7) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(8) Users have a duty to comply with the provisions of this chapter in order for the city to fulfill the stated policy and purpose. Significant industrial users must comply with the provisions of this chapter and applicable state and federal rules according to the nature of the industrial discharge. (1972 Code, § 8-204, as replaced by Ord. #529, June 2011, and amended by Ord. #552, July 2012, and Ord. #575, July 2014)

**18-405. Private domestic wastewater disposal.** (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-404(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all time, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so except for new homes built in 2011 with (permanent commission approved systems, as long as the commission approved deed restrictions, testing, and inspection approved as of May 19, 2014 remain in effect.)

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department. (1972 Code, § 8-205, as replaced by Ord. #529, June 2011, and amended by Ord. #552, July 2012, and Ord. #575, July 2014)

**18-406. Connection to public sewers.** (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential and commercial service; and

(ii) Service to industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a form furnished by the Norris Water Commission. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Service connection fees for establishing new sewer service are paid to the Norris Water Commission. Industrial

user discharge permit fees may also apply. The receipt by the Norris Water Commission of a prospective customer's application for connection shall not obligate the Norris Water Commission to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the Norris Water Commission's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the Norris Water Commission to the applicant for such service.

(b) Users shall notify the Norris Water Commission of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The Norris Water Commission may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of room downspouts (except for new homes built in 2011 with (permanent commission approved systems, as long as the commission approved deed restrictions, testing, and inspection approved as of May 19, 2014 remain in effect), sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of the ordinance comprising this chapter shall be completely and permanently disconnected within sixty (60) days of the effective day of the ordinance comprising this chapter. The owners of any building sewer having such connections, leaks or defects shall bear the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The Norris Water Commission or its approved contractors shall make all connections to the public sewer upon the property owner first submitting a connection application to the Norris Water Commission.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the Norris Water Commission at the time the application is filed.

The Norris Water Commission will install a sewer tap and stub out for a fee as described in the Schedule of Charges Fee Ordinance. The applicant is responsible for excavation and installation of the building sewer which is located on private property. The Norris Water Commission will inspect the installation prior to backfilling for a fee as described in the Schedule of Charges Fee Ordinance.

(b) All costs and expenses incident to the installation, connection, and inspections of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the Norris Water Commission from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. Where property is subdivided and buildings use a common building sewer but are located on separate properties, the building sewers must be separated within sixty (60) days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others 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 as follows: Conventional sewer system four inches (4").

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades: Four-inch (4") sewers one eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2.0') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinylchloride pipe schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the

place where the cleanout is installed and protected from damage. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the Norris Water Commission and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-407 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Norris Water Commission.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer, except for new homes built in 2011 with (permanent commission approved systems, as long as the commission approved deed restrictions, testing, and inspection approved as of May 19, 2014 remain in effect.)



(h) Inspection of connections. (i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. (a) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the Norris Water Commission. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action the superintendent up to and including discontinuation of water and sewer service.

(b) The Norris Water Commission may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the Norris Water Commission. Failure to construct or repair lines to acceptable standards could result in denial or discontinuance of sewer service. (1972 Code, § 8-206, as replaced by Ord. #529, June 2011, and amended by Ord. #552, July 2012, and Ord. #575, July 2014)

**18-407. Septic tank effluent pump or grinder pump wastewater systems.** When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the Norris Water Commission.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the Norris Water Commission.

(b) Pumps must be approved by the Norris Water Commission and shall be maintained by the property owner on single lot development. Multi-lot development may require the installation of a STEP or GP system to service multiple lots. Such systems shall be installed at the expense of the developer and the Norris Water Commission may elect to maintain such systems.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the Norris Water Commission. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the Norris Water Commission.

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership of the equipment and an easement for access to perform necessary maintenance or repair when and if the Norris Water Commission has accepted ownership of such systems. Access by the city to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank, and onward to the city sewer connection.

(d) Prohibited uses of the STEP and GP system:

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the owner. (1972 Code, § 8-207, as replaced by Ord. #529, June 2011)

**18-408. Regulation of holding tank waste disposal or trucked in waste.** (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such

person, firm, association, or corporation obtains a written approval from the Norris Water Commission to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the Norris Water Commission to be set as specified in the schedule of charges established in the fee schedule ordinance adopted by city council.

Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Norris Water Commission.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporarily pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping. (1972 Code, § 8-208, as replaced by Ord. #529, June 2011)

**18-409. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any

pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-310 or 18-410. A user may not contribute the following substances to any WWF.

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, waste streams with a closed cup flash point of less than 1400 F or 600 C using the test methods specified in 40 C.F.R. 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds 40°C (104° F) unless approved by the State of Tennessee.

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 C.F.R. 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(o) Any wastewater which causes a hazard a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactant, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass-through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) Any stormwater, surface water, groundwater, roof runoff (except for new homes built in 2011 with (permanent commission approved systems, as long as the commission approved deed restrictions, testing, and inspection approved as of May 19, 2014 remain in effect), subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 4 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass-through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 4 of this title. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria  
(To be determined as needed)

<b>Parameter</b>	<b>Maximum Concentration (mg/l)</b>
Arsenic	
Benzene	
Cadmium	
Carbon Tetrachloride	
Chloroform	
Chromium (total)	
Copper	
Cyanide	
Ethylbenzene	
Lead	
Mercury	
Methylene chloride	

<b>Parameter</b>	<b>Maximum Concentration (mg/l)</b>
Molybdenum	
Naphthalene	
Nickel	
Phenol	
Selenium	
Silver	
Tetrachloroethylene	
Toluene	
Total Phthalate	
Trichloroethylene	
1,1,1-Trichloroethane	
1,2 Transdichloroethylene	
Zinc	

(4) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single-family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, funeral homes, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the Norris Water Commission is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the Norris Water Commission. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the Norris Water Commission has under this chapter, or state or federal law. The Norris Water Commission retains the right to inspect and approve installation of control equipment.



(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the city is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under § 18-502 to regulate the discharge of fat, oil and grease. (1972 Code, § 8-209, as replaced by Ord. #529, June 2011, and amended by Ord. #552, July 2012, and Ord. #575, July 2014)

**18-410. Enforcement and abatement.** Violators of these wastewater regulations may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the Norris Water Commission may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 5. Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The Norris Water Commission may take any or all the following remedies:

(1) Cite the user to city or general sessions court, where each twenty-four (24) hours of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (1972 Code, § 8-210, as replaced by Ord. #529, June 2011)

**18-411. [Deleted.]** (1972 Code, § 8-211, as deleted by Ord. #529, June 2011)

**18-412. [Deleted.]** (1972 Code, § 8-212, as deleted by Ord. #529, June 2011)

**18-413. [Deleted.]** (1972 Code, § 8-213, as deleted by Ord. #529, June 2011)

**18-414. [Deleted.]** (1972 Code, § 8-214, as deleted by Ord. #529, June 2011)

## CHAPTER 5

### INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

#### SECTION

- 18-501. Industrial pretreatment.
- 18-502. Discharge permits.
- 18-503. Industrial user additional requirements.
- 18-504. Reporting requirements.
- 18-505. Enforcement response plan.
- 18-506. Enforcement response guide table.
- 18-507. Fees and billing.
- 18-508. Validity.

**18-501. Industrial pretreatment.** In order to comply with Federal Industrial Pretreatment Rules 40 C.F.R. 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this chapter the following regulations are adopted:

(1) User discharge restrictions. All system users must follow the general and specific discharge regulations specified in § 18-109 of this title.

(2) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of § 18-109, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-505.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as local limits. Table B or other applicable state and federal pretreatment rules which may be in effect or take effect after the passage of the ordinance comprising this chapter.

Table B--Local Limits  
(To be determined as needed)

Pollutant	Monthly Average* Maximum Concentration (mg/l)	Daily Maximum Concentration (mg/l)
Arsenic		
Benzene		
Cadmium		
Carbon Tetrachloride		
Chloroform		
Chromium (total)		
Copper		
Cyanide		
Ethybenzene		
Lead		
Mercury		
Methylene chloride		
Molybdenum		
Napthalene		
Nickel		
Phenol		
Selenium		
Silver		
Tetrachloroethylene		
Toluene		
Total Phthalate		
Trichloroethane		
1,1,1-Trichloroethane		
1,2 Transdichloroethylene		
Zinc		

\*Based on 24-hour flow proportional composite samples unless specified otherwise.

(5) Surcharge limits and maximum concentrations. Dischargers of high strength waste may be subject to surcharges based on the following surcharge limits. Maximum concentrations may also be established for some users.

Table C--Surcharge and Maximum Limits  
(To be determined as needed)

Parameter	Surcharge Limit	Maximum Concentration
Total Kjeldahl Nitrogen (TKN)		
Oil and Grease		
MBAS		
BOD		
COD		
Suspended Solids		

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass-through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does nor may fall into the requirements of this chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(9) Combined wastestream formula. When wastewater subject to categorical pretreatment standards is mixed with wastewater not regulated by

the same standard, the permitting authority may impose an alternate limit using the combined wastestream formula. (1972 Code, § 8-301, as replaced by Ord. #529, June 2011)

**18-502. Discharge permits.** (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the city sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-406 and an inspection has been performed by the superintendent or his representative.

The receipt by the Norris Water Commission of a prospective customer's application for connection shall not obligate the Norris Water Commission to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the Norris Water Commission's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the Norris Water Commission to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the Norris Water Commission and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristics, including but not limited to those mentioned in §§ 18-409 and 18-501 discharge variations: daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type,

amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this subsection, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

(v) The Norris Water Commission will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Norris Water Commission may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the Norris Water Commission 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 Norris Water Commission's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the Norris Water Commission to the applicant of such service.

(vii) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and

the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws.

(D) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary;

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Requirements for installation and maintenance of inspection and sampling facilities;

(C) Compliance schedules;

(D) Requirements for submission of technical reports or discharge reports;



(E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(F) Requirements for notification of the Norris Water Commission sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of bypassing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions;

(I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the local administrative officer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. (1972 Code, § 8-302, as replaced by Ord. #529, June 2011)

**18-503. Industrial user additional requirements.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator. When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user.

If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 C.F.R. 136 and appropriate EPA guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited in the laboratory or in the field; for volatile organic and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composited procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The Norris Water Commission may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its duties. The Norris Water Commission, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The Norris Water Commission will utilize qualified Norris Water Commission personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which

would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Norris Water Commission, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the Norris Water Commission 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 Norris Water Commission employees and the Norris Water Commission shall indemnify the company against loss or damage to its property by Norris Water Commission employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within ninety (90) days of start up of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance.

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1972 Code, § 8-303, as replaced by Ord. #529, June 2011)

**18-504. Reporting requirements.** Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharge according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-505.

(1) **Baseline monitoring report.** (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent a report which contains the information listed in subsection (b), below at least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in subsection (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below:

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production (including each product

produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants. (A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 C.F.R. 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards.

(G) Sampling and analysis shall be performed in accordance with 40 C.F.R. 136 or other approved methods.

(H) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-504(2) of this chapter.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-504(14) of this chapter and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-504(1)(d) of this chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(b) No increment referred to above shall exceed nine (9) months.

(c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(d) In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-504(1)(b)(iv) and (v) of this chapter. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the superintendent submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this chapter.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-501 of this chapter.



(b) The superintendent may issue an individual wastewater discharge permit under § 18-502 of this chapter or modify an existing wastewater discharge permit under § 18-502 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the Norris Water Commission performs sampling at the user's facility at least once a month, or if the Norris Water Commission performs

sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the Norris Water Commission receives the results of this sampling, or if the Norris Water Commission has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-504(5) of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-504(1), (3), and (4) of this chapter.

(b) Dischargers are exempt from the requirements of subsection (a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e), require a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued there under, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated and analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the superintendent. Where time proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH,

cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Record keeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-502. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements. (1972 Code, § 8-304, as replaced by Ord. #529, June 2011)

**18-505. Enforcement response plan.** Under the authority of Tennessee Code Annotated, § 69-3-123, et seq.

(1) Complaints; notification of violation; orders.

(a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the Norris Water Commission and the City of Norris Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in § 18-505(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the Norris Water Commission or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the Norris Water Commission to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the

following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry

out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the city in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following, under the authority of Tennessee Code Annotated, § 69-3-124:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under

subsection (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Anderson County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under § 18-505(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, § 27-9-101, et seq., within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment



standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125:

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the

violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115 (a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders. Under the authority of Tennessee Code Annotated, § 69-3-126:

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the city resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or his section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. Under the authority of Tennessee Code Annotated, § 69-3-127. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-502(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

- (a) Violation of wastewater discharge permit conditions.
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-109 of this title.
- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administrative of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance. (a) Insignificant non-compliance: For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit buy may include a Notice of Violation (NOV).

(b) "Significant non-compliance." Per 1200-4-14-.08(6)(b)8.

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other

discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-505(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report non-compliance.

(viii) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A<sup>1</sup>).

(9) Public notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (C), (D) or (H) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater

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<sup>1</sup>Appendix A is available for review in the office of the city recorder.

measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to accurately report non-compliance; or

(g) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(h) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceeds limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (as added by Ord. #529, June 2011)

**18-506. Enforcement response guide table.** (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of the ordinance comprising this chapter.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in Appendix A<sup>1</sup> to impose sanctions or penalties for the violation of this chapter. (as added by Ord. #529, June 2011)

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<sup>1</sup>Appendix A is available for review in the office of the city recorder.

**18-507. Fees and billing.** (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees (see Table C);
- (e) Waste hauler permit;
- (f) Industrial wastewater discharge permit fees;
- (g) Fees for industrial discharge monitoring; and
- (h) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-502 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges. The board of mayor and council members shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-507 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the Norris Water Commission for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violations are categorized in the Enforcement Response Guide Table (Appendix A<sup>1</sup>). The local administrative officer may assess a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty;
Category 2	\$50.00--\$500.00;
Category 3	\$500.00--\$1,000.00;

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<sup>1</sup>Appendix A is available for review in the office of the city recorder.

Category 4	\$1,000.00--\$5,000.00;
Category 5	\$5,000.00--\$10,000.00. (as added by Ord. #529, June 2011)

**18-508. Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the Norris Water Commission. (as added by Ord. #529, June 2011)



**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1**

**ELECTRICITY<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>2</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the city clerk.

**CHAPTER 2****GAS****SECTION**

19-201. To be furnished under franchise.

**19-201. To be furnished under franchise.** Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>1</sup>

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<sup>1</sup>The agreements are of record in the office of the city clerk.

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. WATERSHED DEPARTMENT.
2. CIVIL DEFENSE ORGANIZATION.
3. NORRIS ARCHIVES.
4. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.
5. PUBLIC SAFETY DEPARTMENT.
6. TELEPHONE SERVICE.

**CHAPTER 1**

**WATERSHED DEPARTMENT**

**SECTION**

- 20-101. Creation.
- 20-102. Governing board.
- 20-103. Secretary-treasurer.
- 20-104. Basic purposes.
- 20-105. Master plan for watershed.
- 20-106. Work plan and budget.
- 20-107. Annual report.
- 20-108. Timber sales and consultants.
- 20-109. General powers and duties.
- 20-110. Cooperation with other segments of city government.
- 20-111. Regulatory signs.

**20-101. Creation.** A department to be known as the Norris Watershed Department is hereby created. (1972 Code, § 1-501)

**20-102. Governing board.** The governing board of the department shall be comprised of seven (7) members.

Five (5) of these members shall be appointed by the mayor with the advice and consent of council. The term of each of these five (5) members shall be for three (3) years, except that original appointments shall be for one (1), two (2), and three (3) years.

One (1) member shall be a current member of Norris City Council, as determined by city council, and whose term shall be concurrent with the two (2) year elected term of council.

One (1) member shall be a current commissioner of the Norris Water Commission, as determined by the Norris Water Commission, whose term shall

be two (2) years, but that the term shall begin and end in years off-set from the city council member term.

A board chairman and vice-chairman shall be elected by the governing board. Terms of the chairman and vice-chairman shall be for one (1) year, and shall be elected in January of each year.

All members shall be residents of the City of Norris. (1972 Code, § 1-502, as replaced by Ord. #583, Sept. 2015)

**20-103. Secretary-treasurer.** The city manager shall serve as secretary-treasurer of the department and shall maintain its books, records, and files and shall have supervision over the operation. He shall be paid an amount equal to two percent (2%) of his total annual city salary for such service from watershed funds. (1972 Code, § 1-503, as replaced by Ord. #583, Sept. 2015)

**20-104. Basic purposes.** All activities of the department shall be conducted in accordance with the basic purposes of the watershed transfer and lease, including recreation, watershed protection, and timber production. (1972 Code, § 1-504)

**20-105. Master plan for watershed.** The department's first job shall be the formulation of a master plan for development and multiple use of the watershed. Adoption of said plan is subject to acceptance and approval by council. Subsequent revisions shall have council approval before being adopted. (1972 Code, § 1-505)

**20-106. Work plan and budget.** The department shall prepare a work plan and budget for each fiscal year (July 1 to June 30) on or before May 1. When approved by council, this work plan and budget shall become the department's guide for the year's work. Any revisions proposed by the department during the course of the year shall have council approval. At no time shall funds be disbursed in excess of fiscal year budgets. (1972 Code, § 1-506)

**20-107. Annual report.** The department shall submit an annual report to council within six weeks after the close of each fiscal year. This report shall summarize accomplishments for the year and reconcile activities and expenditures with those planned and approved in advance. (1972 Code, § 1-507)

**20-108. Timber sales and consultants.** The department shall plan timber sales for execution by council as specified in § 6-103. Council shall also execute contracts for the service of consultants to the department. (1972 Code, § 1-508)

**20-109. General powers and duties.** Other than the rights reserved to council, as listed above, responsibility for operating and managing the watershed is delegated to the department in accordance with all city ordinances, policies, and procedures. (1972 Code, § 1-509, as replaced by Ord. #583, Sept. 2015)

**20-110. Cooperation with other segments of city government.** Council stresses the desirability of cooperation between the Norris Watershed Department, the Norris Water Commission, the Norris Fire Department, and other segments of the city government in the use of facilities, manpower, and equipment. Council also expresses the hope that the department will so conduct its activities that the area will serve as an outstanding demonstration of multiple use of a municipal watershed. (1972 Code, § 1-510)

**20-111. Regulatory signs.** The department shall erect such regulatory signs as deemed necessary for the safe and appropriate regulation of usage of the land. It shall be unlawful for any user to violate or fail to comply with any sign or device placed or erected by the city unless otherwise directed by a public safety officer or by the department. (1972 Code, § 1-511)

## CHAPTER 2

### CIVIL DEFENSE ORGANIZATION

#### SECTION

20-201. Creation and composition.

20-202. Director's responsibility.

20-203. General function of organization.

**20-201. Creation and composition.** There is hereby created and established a local organization for civil defense within the City of Norris, Tennessee, pursuant to and in accordance with the civil defense plans and programs of the State of Tennessee and in accordance with the provisions of Tennessee Code Annotated, title 58, chapter 2, and other related laws of the State of Tennessee and the United States. Said organization shall consist of a director and deputy director to be appointed by the mayor and such other personnel as may be deemed necessary by the mayor and director in order to effectively carry out a program for civil defense. (1972 Code, § 1-601)

**20-202. Director's responsibility.** The director shall have direct responsibility for the organization, administration, and operation at the organization, subject to the direction and control of the city council. (1972 Code, § 1-602)

**20-203. General function of organization.** The organization shall carry out an effective program for local civil defense in cooperation with federal and state civil defense agencies. (1972 Code, § 1-603)

**CHAPTER 3**

**NORRIS ARCHIVES**

**SECTION**

20-301. Establishment, etc.

**20-301. Establishment, etc.** (1) The Norris Archives is hereto established.

(2) An archives committee of five members is hereby established to have custody, direction, and control of archives material.

(3) The geographic scope is the present city limits, but items from the Norris environs directly and tangibly related to events in the city may be accepted at the discretion of the archives committee.

(4) Storage of archive items is to be on city property and in fire resistive containers or quarters, as practical. (1972 Code, § 1-1001)

## CHAPTER 4

### MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### SECTION

20-401. Official newspaper.

20-402. Voting precincts.

20-403. Blanket fidelity bond required.

20-404. Management of city property and equipment.

**20-401. Official newspaper.** The Norris Bulletin is designated as the official newspaper for the City of Norris. (1972 Code, § 1-1301, as amended by Ord. #516, May 2010)

**20-402. Voting precinct.** In compliance with art. III, § 1, of the Norris City Charter there is hereby established one, and only one, voting precinct for all municipal elections.

The location of the voting precinct shall be in the Community Building located on Chestnut Drive. (1972 Code, § 1-1302)

**20-403. Blanket fidelity bond required.** All officers and employees of the City of Norris and/or the Norris Water Commission shall be covered by a blanket fidelity bond. The bond shall provide a coverage of fifty thousand dollars (\$50,000) for the city manager and the water commission's secretary-treasurer and ten thousand dollars (\$10,000) for all other officers and employees of the city and/or commission. (1972 Code, § 1-1303)

**20-404. Management of city property and equipment.** The management of all city property and equipment shall be the responsibility of the city manager who shall prepare, for the approval of the council, regulations governing the acquisition, custody, use and disposal of all such property and equipment. Such regulations shall provide for a regular inventory, appraisal and marking of all such property and shall require that the disposal of any city property and equipment shall be by sale, with sealed bids taken or public auction held on such property and equipment, provided that any sale shall be subject to the approval of city council. (1972 Code, § 1-1304)



## CHAPTER 5

### PUBLIC SAFETY DEPARTMENT

#### SECTION

20-501. Establishment.

20-502. General duties.

20-503. Members.

20-504. Definitions.

**20-501. Establishment.** There is hereby created and established a Department of Public Safety of the City of Norris. The department shall be charged with the performance of all police and fire functions of the City of Norris. (1972 Code, § 1-1501)

**20-502. General duties.** To ensure the safety of the community and promote a feeling of security among the citizens through the prevention and suppression of fire and the protection of life and property from fire and through the deterrence/prevention of crime and the apprehension of offenders, providing service in an equitable, prompt, and courteous manner to the satisfaction of the citizens within the limits of the City of Norris. (1972 Code, § 1-1502)

**20-503. Members.** The office of the chief of police and chief of the fire department shall be combined in the office of chief of public safety who shall be head of the department. The offices of police officers and firemen shall be combined in the office of public safety officers. There shall be no distinction between police duties and fire duties; these duties being combined and made a part of the duties of public safety officers. (1972 Code, § 1-1503)

**20-504. Definitions.** Wherever the words "chief of police" or "chief of the fire department" appear in any Tennessee Statutes, the city charter, ordinances, or resolutions of the City of Norris, such term shall be interpreted to mean the chief of public safety. Wherever the words "police officer" or "firemen/firefighter" appear in any Tennessee Statutes, the city charter, an ordinance or resolution of the City of Norris such term shall be interpreted to mean public safety officer. (1972 Code, § 1-1504)

**CHAPTER 6****TELEPHONE SERVICE****SECTION**

20-601. To be furnished under franchise.

**20-601. To be furnished under franchise.** Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>1</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

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<sup>1</sup>The agreements are of record in the office of the city clerk.

## ORDINANCE 430

### AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF NORRIS, TENNESSEE.

**WHEREAS** some of the ordinances of the City of Norris are obsolete, and

**WHEREAS** some of the other ordinances of the City are inconsistent with each other or are otherwise inadequate, and

**WHEREAS** the City Council of the City of Norris, 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 "Norris Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORRIS AS FOLLOWS:

**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 "Norris 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 budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or

accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

**Section 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of his 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."<sup>1</sup>

Each day any violation of the municipal code continues shall constitute a separate civil offense.

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The city council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated ~40-24-101 et seq.

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 annually 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.

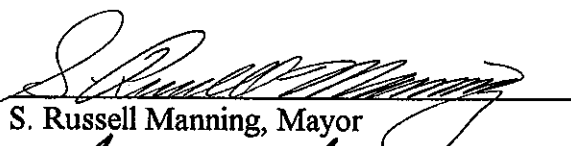
**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the clerk's office for public use and inspection at all reasonable times.

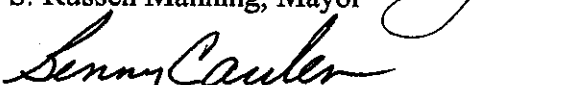
**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

PASSED FIRST READING March 11, 1996

PASSED SECOND READING March 25, 1996

PASSED THIRD READING April 8, 1996

  
S. Russell Manning, Mayor

  
Benny Carden, City Manager