

**THE
ROGERSVILLE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

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TOWN OF ROGERSVILLE, TENNESSEE

MAYOR

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ALDERMEN

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PREFACE

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

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

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

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

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

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

The able assistance of the codes team: Hannah Kraemer, Program Resource Specialist; and Linda Winstead, Nancy Gibson, and Doug Brown, Administrative Specialists, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER¹**

¹The charter for the Town of Rogersville does not contain ordinance adoption procedures. See § 1-104 for passage of ordinances.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Passage of ordinances.
- 1-105. Passage of resolutions.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the second Tuesday of each month at the town hall. (1986 Code, § 1-101)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.

¹Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14, and Appendix A.

²Charter reference

Board of mayor and aldermen: §§ 2 and 3.

- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1986 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1986 Code, § 1-103, modified)

1-104. Passage of ordinances. Ordinances shall be introduced in written form and shall be passed on three (3) considerations before taking effect. (1986 Code, § 1-104)

1-105. Passage of resolutions. Resolutions shall be introduced in written form and shall be passed on one (1) consideration before taking effect. (1986 Code, § 1-105)

CHAPTER 2**MAYOR¹****SECTION**

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1986 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1986 Code, § 1-202)

¹Charter reference
Oath of office: § 5.
Salary: § 4.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in such sum as the board of mayor and aldermen shall provide from time to time by resolution, with surety acceptable to the board of mayor and aldermen before assuming the duties of his office. (1986 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book or ordinance file. (1986 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town provides. (1986 Code, § 1-303)

¹Charter reference
Recorder appointment: § 4.

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. WATER COMMISSION.****CHAPTER 1****WATER COMMISSION¹****SECTION****2-101. Duties of water commission.**

2-101. Duties of water commission. The water commission shall be charged with the following duties:

(1) Supervising and directing the operation of the water and sewage systems of the town;

(2) Making and promulgating, subject to the approval of the board of mayor and aldermen, all necessary rules and regulations for the government and operation of the systems except for those rules set forth in chapter 2 of this title;

(3) Fixing of rates to be charged for services and the enforcement of the collection thereof, subject to approval by the board of mayor and aldermen;

(4) Employing and supervising employment of all personnel necessary for the operation and management of the systems;

(5) Investigating of all applications for water and sewer services and the granting of such services if they can be provided; and

(6) The filing of a report of income and cost of operation of the systems from time to time as may be called for by the board of mayor and aldermen. (1986 Code, § 13-101)

¹Charter reference
Water commission: § 21.

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. Municipal judge.

3-101. Municipal judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the municipal judge. (1986 Code, § 1-501)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The municipal judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1986 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs.¹ All fines, penalties and costs shall be imposed and recorded by the municipal judge on the recorder's court docket in open court.

In all cases heard or determined by him, the municipal judge shall tax in the bill of costs the same amounts and for the same items allowed in general sessions court² for similar work in state cases. (1986 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties and costs imposed by his court during the current month and to date for the current fiscal year. (1986 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the recorder's court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1986 Code, § 1-512)

¹A schedule of court costs and arrest fees is of record in the office of the recorder.

²State law reference

Tennessee Code Annotated, § 8-21-401.

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the municipal court is in session or the municipal judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1986 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The municipal judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1986 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the recorder's court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the recorder's court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1986 Code, § 1-504)

3-303. Issuance of subpoenas. The municipal judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1986 Code, § 1-505)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

- 3-401. Appearance bonds authorized.
- 3-402. Appeals.
- 3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the municipal judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the municipal judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1986 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the recorder's court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1986 Code, § 1-509)

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

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1986 Code, § 1-510)

¹State law reference
Tennessee Code Annotated, § 27-5-101.

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

1. SOCIAL SECURITY.
2. MISCELLANEOUS PERSONNEL REGULATIONS.
3. DRUG AND ALCOHOL TESTING POLICY.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1**SOCIAL SECURITY****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exclusion of coverage due to lack of authorization.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Rogersville, Tennessee, to provide for all eligible employees and officials of the town, 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 town shall take such action as may be required by applicable state and federal laws or regulations. (1986 Code, § 1-901)

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. (1986 Code, § 1-902)

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. (1986 Code, § 1-903)

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. (1986 Code, § 1-904)

4-105. Records and reports. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1986 Code, § 1-905)

4-106. Exclusion of coverage due to lack of authorization. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town. (1986 Code, § 1-906)

CHAPTER 2

MISCELLANEOUS PERSONNEL REGULATIONS¹

SECTION

- 4-201. Business dealings.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Political activity.
- 4-205. Use of municipal time, facilities, etc.
- 4-206. Use of position.
- 4-207. Strikes and unions.

4-201. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town. (1986 Code, § 1-1001)

4-202. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1986 Code, § 1-1002)

4-203. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the town. (1986 Code, § 1-1003)

4-204. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates and petitions to government entities; provided the town is not required to pay the employee's salary for work not performed for the town. Provided, however, municipal employees shall not

¹The Town of Rogersville, Tennessee, Personnel Policy, is available in the office of the recorder.

be qualified to run for elected office in the governing body. (Ord. #06-10-03-1, Aug. 2003)

4-205. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. This prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services. (1986 Code, § 1-1005)

4-206. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1986 Code, § 1-1006)

4-207. Strikes and unions. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1986 Code, § 1-1007)

CHAPTER 3

DRUG AND ALCOHOL TESTING POLICY

SECTION

- 4-301. Purpose.
- 4-302. Scope.
- 4-303. Consent form.
- 4-304. Compliance with substance abuse policy.
- 4-305. General rules.
- 4-306. Drug testing.
- 4-307. Alcohol testing.
- 4-308. Education and training.
- 4-309. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result.
- 4-310. Voluntary disclosure of drug and/or alcohol use.
- 4-311. Exceptions.
- 4-312. Modification of policy.
- 4-313. Definitions.

4-301. Purpose. The Town of Rogersville recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the Town of Rogersville to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the Town of Rogersville are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Town of Rogersville has adopted this drug and alcohol testing policy effective _____, 199__. This policy complies with the: Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol-and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required

are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the Town of Rogersville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

(1) Being on duty or performing work in or on town property while under the influence of drugs and/or alcohol;

(2) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on town property;

(3) Refusing or failing a drug and/or alcohol test administered under this policy;

(4) Providing an adulterated, altered, or substituted specimen for testing;

(5) Use of alcohol within four (4) hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and

(6) Use of alcohol or drugs within eight (8) hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the town shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the town's policy regarding drugs and/or alcohol; and the availability of counseling. The personnel director has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All Town of Rogersville property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. (Ord. #1-9-96-1, Jan. 1996)

4-302. Scope. Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the Town of Rogersville. The policy also applies to applicants for positions requiring a CDL and other safety

sensitive positions who have been given a conditional offer of employment from the Town of Rogersville. (Ord. #1-9-96-1, Jan. 1996)

4-303. Consent form. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), personnel director or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the town's drug and alcohol testing policy.

The consent form shall set forth the following information:

- (1) The procedure for confirming and verifying an initial positive test result;
- (2) The consequences of a verified positive test result; and
- (3) The consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system. (Ord. #1-9-96-1, Jan. 1996)

4-304. Compliance with substance abuse policy. Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination. (Ord. #1-9-96-1, Jan. 1996)

4-305. General rules. These are the general rules governing the Town of Rogersville drug and alcohol testing program:

(1) Town employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

(2) Town employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on town property.

(3) All Town of Rogersville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Town property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

(4) Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurring.

Failure to so inform the town subjects the employee to disciplinary action up to and including termination for the first offense. The town will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act. (Ord. #1-9-96-1, Jan. 1996)

4-306. Drug testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six (6) separate conditions:

(1) Types of tests. (a) Pre-employment. All applicants for employee status for positions requiring a CDL (or for a position in the fire department, police department, gas department, and transit department), who have received a conditional offer of employment with the Town of Rogersville, must take a drug test before receiving a final offer of employment. (Note: It is not a requirement to conduct pre-employment test for all applicants in the fire department, police department, gas department or transit department and your city or town may want to delete this requirement.)

(b) Transfer. Employees transferring to the fire department, police department, gas department and transit department and/or another position within the town that requires a commercial driver's license (CDL) shall undergo drug testing.

(c) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the Town of Rogersville to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within thirty-two (32) hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by the same-gender collection personnel at the established collection site(s).

In instances where post-accident (post-incident) testing is to be performed, the Town of Rogersville reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Rogersville to the designated urine specimen collection site within thirty-two (32) hours following the accident. (Note: DOT regulations allow up to 32 hours for drug tests. A lesser time provision is optional.) In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within thirty-two (32) hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Rogersville and shall result in administrative action up to and including termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Rogersville appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Rogersville or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's

system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

(d) Testing based on reasonable suspicion. A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Rogersville making a determination to subject any employees to drug-testing based on reasonable suspicion shall document their specific reasons and observations in writing to the personnel director within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

(e) Random testing. Only employees of the Town of Rogersville possessing or wishing to obtain a commercial driver's license (CDL) are subject to random urine drug testing. (Note: It is not a requirement to randomly test police or fire department employees and town may wish to delete this provision.) It is the policy of the Town of Rogersville to annually random test for drugs at least fifty (50) percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e. vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the Town of Rogersville may omit that employee from that random testing or await the employee's return to work.

(f) Return to duty and follow-up. Any employee of the Town of Rogersville who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first twelve (12) months after an employee returns to

duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly. (Note: Requiring employees to pay for their return-to-duty and follow-up tests is optional. Return-to-duty and follow-up tests are not required for non-CDL drivers.)

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for the testing.

(2) Prohibited drugs. All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the personnel director. The following is a list of drugs for which tests will be routinely conducted. (See Appendix A¹ for cutoff levels):

- (a) Amphetamines;
- (b) Marijuana;
- (c) Cocaine;
- (d) Opiates;
- (e) Phencyclidine (PCP);
- (f) Alcohol; and
- (g) Depressants.

The town may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

(3) Drug testing collection procedures. Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the Town of Rogersville to a drug test collection facility selected by the Town of Rogersville (see Appendix B), where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the Town of Rogersville to perform the analysis on collected urine samples.

(4) Drug testing laboratory standards and procedures. All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS) (see Appendix C).²

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the

¹Appendices for the Rogersville Drug Testing Policy are of record in the recorder's office.

²Appendices for the Rogersville Drug Testing Policy are of record in the recorder's office.

employee(s) to the testing site within thirty-two (32) hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two (2) bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has seventy-two (72) hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the personnel director.

(5) Reporting and reviewing. The Town of Rogersville shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix C).¹

(a) The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the Town of Rogersville.

(b) Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.

(c) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the personnel director, and the employee.

(d) Neither the Town of Rogersville, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney. (Ord. #1-9-96-1, Jan. 1996)

4-307. Alcohol testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing.

¹Appendices for the Rogersville Drug Testing Policy are of record in the recorder's office.

Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six (6) separate conditions:

(1) Types of tests. (a) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the Town of Rogersville to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out with two (2) hours following the accident (incident).

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Rogersville to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within two (2) hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Rogersville and shall result in administrative action up to and including termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Rogersville appropriate and necessary information or records that would indicate only whether or not

specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Rogersville or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

(b) Testing based on reasonable suspicion. An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Rogersville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the personnel director within eight (8) hours of the decision to test and before the results of the tests are received by the department.

(c) Random testing. Only employees of the Town of Rogersville not terminated possessing or wishing to obtain a commercial driver's license (CDL) or who are gas department employees are subject to random alcohol testing. (Note: It is not required that police or fire department employees be randomly alcohol tested and the town may want to delete this provision.) It is the policy of the Town of Rogersville to annually random test for alcohol at least twenty-five (25) percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the Town of Rogersville may omit that employee from that random testing or await the employee's return to work.

(d) Return to duty and follow-up. Any employee of the Town of Rogersville who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly. (Note: Requiring employees to pay for their return-to-duty and follow-up tests is optional.)

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for the testing.

(2) Alcohol testing procedures. All breath alcohol testing conducted for the Town of Rogersville shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). (Note: A town's own public safety department cannot do this testing unless the test is required because of a traffic accident (incident)).

Alcohol testing is to be performed by a qualified technician as follows:

(a) Step one: An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to step two.

(b) Step two: Fifteen minutes shall be allowed to pass following the completion of step one above. Before the confirmation test or step two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then step one shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in step two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in step one and step two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test

shall result in administrative action by proper officials of the Town of Rogersville up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of twenty-four (24) hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02 percent before returning to duty with the Town of Rogersville.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the Town of Rogersville, when possible.

The completed breath alcohol test form shall be submitted to the personnel director. (Ord. #1-9-96-1, Jan. 1996)

4-308. Education and training. (1) Supervisory personnel who will determine reasonable suspicion testing. Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two (2), sixty (60) minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probably drug use and alcohol use. One (1) sixty (60) minute period will be for drugs and one will be for alcohol.

The Town of Rogersville will sponsor a drug-free awareness program for all employees.

(2) Distribution of information. The minimal distribution of information for all employees will include the display and distribution of:

- (a) Informational material on the effects of drug and alcohol abuse;
- (b) An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
- (c) The Town of Rogersville policy regarding the use of prohibited drugs and/or alcohol; and
- (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. (Ord. #1-9-96-1, Jan. 1996)

4-309. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result. Job applicants will be denied employment with the Town of Rogersville if their initial positive pre-employment drug and alcohol test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The city may consider the following factors in determining the

appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the town reserves the right to allow employees to participate in an education an/or treatment program approved by the town Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the town's Employee Assistance Program or other program sanctioned by the town, and thereafter refrain from violating the town's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of town personnel policy and regulations, nor will it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that a driver:

- (a) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;
- (b) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or
- (c) Engages in conduct that clearly obstructs the testing process.

In either case the physician or breath alcohol technician shall provide a written statement to the town indicating a refusal to test. (Ord. #1-9-96-1, Jan. 1996)

4-310. Voluntary disclosure of drug and/or alcohol use. In the event that an employee of the Town of Rogersville is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the Town of Rogersville. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the Town of Rogersville may be allowed up to thirty (30) consecutive calendar days for initial substance abuse treatment as follows:

- (1) The employee must use all vacation, sick, and compensatory time available.

(2) In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of thirty (30) consecutive calendar days, the employee will be provided paid/unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum thirty (30) day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the Town of Rogersville. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and personnel director of the Town of Rogersville will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the Town of Rogersville. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy. (Ord. #1-9-96-1, Jan. 1996)

4-311. Exceptions. This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol. (Ord. #1-9-96-1, Jan. 1996)

4-312. Modification of policy. This statement of policy may be revised by the Town of Rogersville at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the Town of Rogersville. (Ord. #1-9-96-1, Jan. 1996)

4-313. Definitions. For purposes of the drug and alcohol testing policy, the following definitions are adopted:

(1) "Alcohol." The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

(2) "Alcohol concentration." The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

(3) "Alcohol use." The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

(4) "Applicant." Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a commercial driver's license (CDL) being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

(5) "Breath alcohol technician (BAT)." An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

(6) "Chain of custody." The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

(7) "Collection site." A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

(8) "Collection site personnel." A person who instructs donors at the collection site.

(9) "Commercial driver's license (CDL)." A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

(10) "Commercial motor vehicle (CMV)." Any vehicle or combination of vehicles meeting the following criteria: weighing more than twenty six thousand (26,000) pounds; designed to transport more than fifteen (15) passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

(11) "Confirmation test." In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

(12) "Confirmed positive result." The presence of an illicit substance in the pure form or its metabolites on or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an

alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

(13) "Consortium." An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part of other DOT alcohol or drug testing rules and that acts on behalf of the employers.

(14) "Department director." The director or chief of a town department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

(15) "DHHS." The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

(16) "DOT Agency." An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the Town of Rogersville, the Federal Highway Administration (FHWA) is the DOT agency.

(17) "Driver." Any person who operates a commercial motor vehicle.

(18) "EAP." Employee assistance program.

(19) "Employee." An individual currently employed by the Town of Rogersville.

(20) "Evidential breath testing device (EBT)." An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "conforming products list of evidential breath measurement devices."

(21) "FHWA." Federal Highway Administration.

(22) "Initial test." In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

(23) "Medical review officer (MRO)." A license physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

(24) "Negative result." The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

(25) "NHTSA." National Highway and Traffic Safety Administration.

(26) "Refuse to submit." Refusing to submit to an alcohol or controlled substances test means that a driver:

(a) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(b) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(c) Engages in conduct that clearly obstructs the testing process.

(27) "Safety-sensitive drivers." Employees in the aviation, motor carrier, railroad, and mass transit industries.

(28) "Split specimen." Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

(29) "Substance abuse professional." A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (Ord. #1-9-96-1, Jan. 1996)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
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- 4-407. Hepatitis B vaccinations.
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- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.
- 4-416. Legal rights of victims of communicable diseases.

4-401. Purpose. It is the responsibility of the Town of Rogersville to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Rogersville, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #8-10-93-2, Oct. 1993)

4-402. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious material from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;

- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #8-10-93-2, Oct. 1993)

4-403. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (Ord. #8-10-93-2, Oct. 1993)

4-404. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

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

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

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (Ord. #8-10-93-2, Oct. 1993)

4-405. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #8-10-93-2, Oct. 1993)

4-406. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

(a) While handling an individual where exposure is possible;

(b) While cleaning or handling contaminated items or equipment;

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

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

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

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

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

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at one hundred twenty degrees (120°) are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and properly disposed of.

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

All required tags shall meet the following criteria:

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

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

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

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

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

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #8-10-93-2, Oct. 1993)

4-407. Hepatitis B vaccinations. The Town of Rogersville shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #8-10-93-2, Oct. 1993)

4-408. Reporting potential exposure. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

- (1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.
- (2) Complete the appropriate accident reports and any other specific form required.
- (3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #8-10-93-2, Oct. 1993)

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #8-10-93-2, Oct. 1993)

4-410. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within twelve (12) weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this

follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing twelve (12) weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the town to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #8-10-93-2, Oct. 1993)

4-411. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (Ord. #8-10-93-2, Oct. 1993)

4-412. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #8-10-93-2, Oct. 1993)

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #8-10-93-2, Oct. 1993)

4-414. Training new employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (Ord. #8-10-93-2, Oct. 1993)

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job,

restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

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

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #8-10-93-2, Oct. 1993)

4-416. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or town attorney.

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

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (Ord. #8-10-93-2, Oct. 1993)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Purpose.
- 4-502. Enforcement.
- 4-503. Travel policy.
- 4-504. Travel reimbursement rate schedules.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with Public Acts 1993, Chapter 433. This Act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law.

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on municipal business at town expense. (Ord. #8-10-93-1, Oct. 1993)

4-502. Enforcement. The chief administrative officer (CAO) of the municipality or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #8-10-93-1, Oct. 1993)

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

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

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, airfares, meals, lodging, conferences, and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

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

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

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

The CAO may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

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

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

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #8-10-93-1, Oct. 1993)

4-504. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The municipal travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #8-10-93-1, Oct. 1993)

TITLE 5**MUNICIPAL FINANCE AND TAXATION**¹**CHAPTER**

1. PRIVILEGE TAXES.
2. WHOLESALE BEER TAX.
3. HOTEL/MOTEL TAX.

CHAPTER 1**PRIVILEGE TAXES****SECTION**

- 5-101. Tax levied.
5-102. License required.

5-101. 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 said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the said act. (1986 Code, § 6-101)

5-102. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1986 Code, § 6-102)

¹Charter reference
Taxes: § 10.

CHAPTER 2**WHOLESALE BEER TAX****SECTION**

5-201. To be collected.

5-201. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1986 Code, § 6-201)

¹State law reference

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

CHAPTER 3

HOTEL/MOTEL TAX

SECTION

- 5-301. Definitions.
- 5-302. Levy of tax.
- 5-303. Allocation of proceeds.
- 5-304. Tax added to invoice.
- 5-305. Remittance to recorder.
- 5-306. Method of reporting taxes.
- 5-307. Offer to absorb tax prohibited.
- 5-308. Penalties and interest for delinquency.
- 5-309. Records.
- 5-310. Administration.
- 5-311. Applicability.
- 5-312. Severability.

5-301. Definitions. As used in this chapter unless the context otherwise requires:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the room, lodging, space or accommodation provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings, accommodations or spaces are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings, spaces or accommodations in any hotel.

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise and includes any governmental unit.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit or any other group or combination acting as a unit.

(6) "Tax collection official" means the recorder or other person designated by the municipal legislative body to collect the tax imposed by this chapter.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces or accommodations in a hotel for a period of less than thirty (30) continuous days. (Ord. #6-8-99-2, June 1999)

5-302. Levy of tax. The Board of Mayor and Aldermen of the Town of Rogersville, Tennessee, does hereby authorize and levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of four percent (4%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter. (Ord. #6-8-99-2, June 1999)

5-303. Allocation of proceeds. The proceeds received by the town from the tax shall be retained by the town and deposited into the general fund of the town to be expended for the promotion of tourism within the corporate limits of the town in a manner deemed appropriate to such promotion as determined by the board of mayor and aldermen. (Ord. #6-8-99-2, June 1999)

5-304. Tax added to invoice. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the Town of Rogersville, Tennessee.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the town. (Ord. #6-8-99-2, June 1999)

5-305. Remittance to recorder. (1) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the town to the recorder, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the town entitled to such tax shall be that of the operator.

(2) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the recorder in the form of a deduction in

submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment. (Ord. #6-8-99-2, June 1999)

5-306. Method of reporting taxes. The recorder shall be responsible for the collection of such tax. A monthly tax return shall be filed under oath with the recorder by the operator with such number of copies thereof as the recorder may reasonably require for the collection of such tax. The reports of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the recorder and approved by the town legislative body prior to use. The recorder shall audit each operator in the town at least once a year and shall report on the audits made on a quarterly basis to the town legislative body. The town legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports. (Ord. #6-8-99-2, June 1999)

5-307. Offer to absorb tax prohibited. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (Ord. #6-8-99-2, June 1999)

5-308. Penalties and interest for delinquency. Taxes collected by an operator which are not remitted to the recorder on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of transient to pay the tax imposed is a violation of this act and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00). (Ord. #6-8-99-2, June 1999)

5-309. Records. It is the duty of every operator liable for the collection and payment to the Town of Rogersville any tax imposed by this chapter to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the town. The recorder has the right to inspect such records at all reasonable times. (Ord. #6-8-99-2, June 1999)

5-310. Administration. The recorder in administering and enforcing the provisions of this chapter has as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, § 68-1-911. It is the intent of this chapter that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter, provided, the recorder shall also possess those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, with respect to adjustments and settlement with taxpayers of all errors of taxes collected under the authority of this chapter and to direct the refunding of same.

With respect to the adjustment and settlement with taxpayers all errors of town taxes collected by the recorder under authority of this chapter shall be refunded by the recorder. Notice of any tax paid under protest shall be given to the recorder, and suit for recovery shall be brought against such recorder. (Ord. #6-8-99-2, June 1999)

5-311. Applicability. The tax levied pursuant to the provisions of this chapter shall only apply in accordance with the provisions of Tennessee Code Annotated, § 67-4-1425. (Ord. #6-8-99-2, June 1999)

5-312. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are declared to be severable. (Ord. #6-8-99-2, June 1999)

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

1. POLICE AND ARREST.
2. WORKHOUSE.

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

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

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1986 Code, § 1-401)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1986 Code, § 1-402)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1986 Code, § 1-403)

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

¹Municipal code reference
Traffic citations, etc.: title 15.

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1986 Code, § 1-404)

6-105. Police officer may require assistance. It shall be unlawful for any person willfully to refuse to aid a police officer in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1986 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the recorder's court for immediate trial or allowed to post bond. When the municipal judge is not immediately available or the alleged offender does not post the required bond, he shall be confined. (1986 Code, § 1-406)

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

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by police officers.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1986 Code, § 1-407)

CHAPTER 2**WORKHOUSE****SECTION**

6-201. County jail to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County jail to be used. The county jail is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1986 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1986 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.¹ (1986 Code, § 1-603)

¹State law reference

Tennessee Code Annotated: § 40-24-104.

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

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

CHAPTER 1**FIRE DISTRICT****SECTION**

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: All the property within the bounds of and beginning at the corner of Broadway and Rogers Street north to Main Street, then east to Rogers Street, then north to Kyle Street along a straight air line to Clay Street, then south to Main Street, east to Huffmaster Street, south over Huffmaster Street to McKinney Avenue, west line on McKinney Avenue to Church Street, then along a line of Church Street to Broadway along line of Broadway to corner of Broadway and Rogers Street. (1986 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Modifications.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Uniform Fire Code² (NFPA No. 1), 2003 edition, including each reference in NFPA 1, Chapter 2 (excluding NFPA 5000), is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the inspection. The Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

7-202. Modifications. The Uniform Fire Code adopted in § 7-201 above is modified by deleting therefrom section 1.10, titled Board of Appeals, in its entirety; § 7-205 below shall control appeals.

7-203. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the Building Inspector of the Town of Rogersville. He shall be imbued with all powers as prescribed by statutes and regulations of the State of Tennessee. (Ord. #12-09-03-2, Feb. 2004)

7-204. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Rogersville, Tennessee. (1986 Code, § 7-203)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at

¹Municipal code reference

Building, utility and housing codes: title 12.

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

any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1986 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1986 Code, § 7-206)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1986 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Equipment to be used only within corporate limits generally.
- 7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firefighters as the chief shall recommend and the board of mayor and aldermen shall appoint. (1986 Code, § 7-301)

7-302. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel make practicable. (1986 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as are necessary for the orderly and efficient operation of the fire department. (1986 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel,

¹Municipal code reference

Special privileges with respect to traffic: title 15.

and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year shall make a detailed annual report. (1986 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. The chief, subject to approval by the board of mayor and aldermen, shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1986 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department, shall be fully responsible for the training of the fire fighters, and minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1986 Code, § 7-306)

7-307. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger such city property or unless expressly authorized in writing by the board of mayor and aldermen. (1986 Code, § 7-307)

7-308. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-17-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1986 Code, § 7-308)

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

1. INTOXICATING LIQUORS.
2. BEER.

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

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he is lawfully acting pursuant to the authority of an exemption provided state law,² it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the Town of Rogersville. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1986 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹

SECTION

- 8-201. Creation, duties, and powers of the beer board.
- 8-202. "Beer" defined.
- 8-203. Permit required for engaging in beer business.
- 8-204. Application for permit.
- 8-205. Qualification for applicants.
- 8-206. Approval and issuance of permits.
- 8-207. License fees.
- 8-208. Permits and licenses.
- 8-209. Permits for the retail sale of beer.
- 8-210. Regulation of business hours.
- 8-211. Regulation of distributors, wholesalers, warehousemen, and manufacturers.
- 8-212. Regulation of advertising.
- 8-213. Sale of beer to certain persons prohibited.
- 8-214. Sale of beer to intoxicated persons prohibited.
- 8-215. Regulation of the possession of beer.
- 8-216. Inspection of beer businesses and premises.
- 8-217. Violations and penalties.
- 8-218. Special events permit.

8-201. Creation, duties, and powers of the beer board. There is hereby created a board, which shall be known and designated as the "Beer Board of the Town of Rogersville" hereinafter referred to in this chapter as the "board." The board shall be composed of three members appointed by the board of mayor and aldermen. One member shall be a member of the board of mayor and aldermen and two shall be citizens of the town. Members shall serve for two (2) year terms.

It shall be the duty of the board to regulate and supervise the issuance of permits to manufacture, store more than one case, distribute, and sell beer to the persons and in the manner provided in this chapter.

It is hereby declared that the sale, storage, manufacture, and distribution of beer in the town is a privilege, and such board is hereby empowered with

¹State law reference

Municipal code reference

General business regulations: title 9.

Wholesale beer tax: title 5, chapter 2.

complete discretion to issue, revoke, and suspend all permits or licenses to sell, store, manufacture, or distribute beer in the town.

The board is empowered to elect its own chairman and other officers, and to make its own regulations with respect to meetings or hearings and shall deny the issuance of any permit or license whenever it determines that issuance would be in violation of this chapter or other applicable laws of the State of Tennessee or the United States. The board may likewise suspend or revoke the permit and license of any licensee who violates any laws of the United States, the State of Tennessee, or the Town of Rogersville, after notice and a public hearing.

Where a permit or license is revoked, no license or permit shall be issued to such permittee nor issued to any other applicant to permit the sale, storage, manufacture, or distribution of beer on the same premises until after the expiration of one year from the date the revocation becomes final and effective. (Ord. #01-13-04-1, March 2004)

8-202. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #01-13-04-1, March 2004)

8-203. Permit required for engaging in beer business. (1) 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 board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Rogersville. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter.

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

(3) Civil penalty in lieu of suspension. The beer board may at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed fifteen hundred dollars (\$1,500.00) for each offense of making or permitting to be made any sales to minors or, a civil

penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #01-13-04-1, March 2004)

8-204. Application for permit. The application shall be in the following form:

APPLICATION FOR A BEER PERMIT

STATE OF TENNESSEE

TOWN OF ROGERSVILLE

Application for (check one)

ON PREMISES PERMIT

OFF PREMISES PERMIT

ON AND OFF PREMISES PERMIT

MANUFACTURER'S OR DISTRIBUTOR'S PERMIT

SPECIAL EVENTS PERMIT

I HEREBY MAKE APPLICATION FOR A PERMIT TO SELL, STORE, MANUFACTURE, OR DISTRIBUTE BEER OR OTHER BEVERAGES AUTHORIZED TO BE SOLD, STORED, MANUFACTURED OR DISTRIBUTED UNDER THE PROVISIONS OF TENNESSEE CODE ANNOTATE SECTION 57-5-101 ET SEQ. AND BASE MY APPLICATION UPON THE ANSWERS TO THE FOLLOWING QUESTIONS:

1. Full name of applicant (owner) _____
 Person _____ Firm _____ Corporation _____ Joint-stock Co. _____
 Syndicate _____ Association _____
2. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business (attach additional sheets, if needed).

-
-
3. What is your present home address?

4. Previous address(es) (within last ten years)

5. Date of birth _____ Home telephone _____
Business telephone _____
6. Under what name will the business operate? _____

7. Location of business by street address or other geographical description and phone number of the business

- a.) Does your business provide food service for at least one (1) meal per day for a minimum of six (6) days per week to the general public or to its members, or to its members if a private organization, in a serving area upon the business premises that seats not less than fifty (50) people at one sitting. _____ yes _____ no
8. Specify the identity and address of the person to receive annual privilege tax notices and any other communication from the Town ____

9. Give name and address of property owner, if other than business owner.

10. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Section 57-5-103(a)(4) within the same building? Yes _____ No _____. If so, please specify number _____. List names of the restaurants or other businesses and describe their location (use additional sheet if necessary)

11. Give name, date of birth, and address of any manager other than applicant _____

-
-
12. Has any person having at least a 5% ownership interest, any of the managers listed in question 11, or any other employee of the business, been convicted of any violation of the beer and alcoholic beverage laws or any other crime (other than minor traffic violations) within the last ten (10) years? _____ if so, give particulars of each charge, court and date convicted.
-
-
-

13. Has this owner or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?
Yes _____ No _____ If so, specify where, when and why.
-
-

14. Give the name, relationship to applicant (if applicable) and address of the former beer permittee at this location.
-
-

15. What is the name and address of the church (or other place of worship) nearest your business?
-
-

(The Town of Rogersville has adopted a rule forbidding the sale, storage and manufacture of beer and like beverages within 250 feet of schools, churches and other places of public gathering)

16. What is the name and address of the school nearest to your business?
-
-

I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least 5% ownership interest, nor any person to be employed in the distribution or sale of beer in my establishment has been convicted of any violation of the beer or alcoholic beverage laws or any crime involving moral turpitude within the past 10 years. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of

public gathering, or otherwise interferes with public health, safety and morals. I further agree that I will comply with all laws of the United States, the State of Tennessee and all ordinances of the Town of Rogersville as may apply to the distribution and sale of beer or otherwise.

Signature of Applicant/Owner (or Authorized Corporate Officer)

Sworn to and subscribed before me this _____ day or _____, 20__.

Notary Public

My Commission Expires:

NOTICE: A non-refundable \$250.00 fee must accompany this application. If the application is approved you are required to provide documentation of sales tax registration to the town within ten (10) days of approval. Any applicant making false statement in this application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years.

A privilege tax or \$100.00 is imposed on the business of selling, distributing, storing or manufacturing beer in this town effective January 1, 1994 and each successive January 1. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued. (Ord. #01-13-04-1, March 2004)

8-205. Qualifications for applicants. The applicant must agree in his application to comply with all laws of the United States, and of the State of Tennessee, and all ordinances of the Town of Rogersville.

No permit or license shall be issued except to persons who have not been convicted of any violation of the laws against manufacturing, selling, transporting, storing, distributing, or possession of intoxicating liquors, or of any crime involving moral turpitude, within ten years of the date of application, nor shall any permit be issued to any firm, syndicate, joint stock company or association who have members, officers, stockholders, or employees who have had such convictions. (Ord. #01-13-04-1, March 2004)

8-206. Approval and issuance of permits. Permits shall be approved or disapproved by the board and if approved, a license shall be issued by the recorder upon payment of the license fees provided by law. (Ord. #01-13-04-1, March 2004)

8-207. License fees. All license fees shall be paid annually in advance and shall not be subject to refund in whole or in part. (Ord. #01-13-04-1, March 2004)

8-208. Permits and licenses. All permittees and licensees shall display and keep displayed their beer permits and beer licenses in a conspicuous place on the premises where they are licensed to conduct such business.

(1) Permits and licenses shall not be transferable.

(2) A separate permit and license shall be obtained for each location at which and from which any applicant is to manufacture, store, distribute, or sell beer, except as provided for in Tennessee Code Annotated § 57-5-103 (a)(4). (Ord. #01-13-04-1, March 2004)

8-209. Permits for the retail sale of beer. (1) Permits for the retail sale of beer issued by the board shall be of five (5) types:

(a) Off-premises permits for the sale of refrigerated or unrefrigerated beer to be consumed off the premises; and

(b) On-premises permits for the sale of refrigerated beer to be consumed on the premises;

(c) On and off-premises permits for the sale of refrigerated or unrefrigerated beer;

(d) Manufacturer's or distributor's permit;

(e) Special events permit.

(2) There shall be no more than twenty-five (25) off-premises permits in effect at any one time.

(3) There shall be no more than eight (8) on-premises permits in effect at any one time. On-premises permits may be issued only to a business whose location for sale serves regularly scheduled meals to the general public, or to its members if a private entity; serving at least one (1) meal per day not less than six (6) days per week and with a seating capacity of not less than fifty (50) persons at any one (1) sitting. However, the requirement for serving meals and seating capacity shall not apply to any not-for-profit organization, qualified as tax exempt by section 501 of the Internal Revenue Code of 1954, as amended.

(4) Permits shall be issued only to holders of a business license in the town, unless otherwise exempt.

(5) No permit for the retail sale of beer shall be issued to any person to sell beer from or at any place, premises, or location which constitutes a non-conforming use under the zoning laws and ordinances of the Town of Rogersville in effect at the time of application for such permit or license.

(6) No permits for the retail sale of beer shall be issued to any person who shall engage in the business of the retail sale of beer at a location within two hundred fifty (250) feet of any school, church, public playground or park. (Ord. #01-13-04-1, March 2004)

8-210. Regulation of business hours. It shall be unlawful for any person to sell beer on any weekday between the hours of 3:00 A.M. and 6:00 A.M., or from 3:00 A.M. to 12:00 Noon on Sunday. (Ord. #01-13-04-1, March 2004)

8-211. Regulation of distributors, wholesalers, warehousemen, and manufacturers. (1) In addition to other requirements set out in this chapter, all distributors, wholesalers, warehousemen, and manufacturers shall be duly licensed under the law to do business in the State of Tennessee.

All distributors, wholesalers, manufacturers, and warehousemen of beer having a place of business within the corporate limits of the Town of Rogersville shall locate them in areas designated and zoned for manufacturing under the laws and ordinances of the town.

(2) It shall be unlawful within the corporate limits of the Town of Rogersville for any wholesaler, distributor, warehouseman, or manufacturer of beer, or any of their salesmen or representatives to sell or deliver beer en route, or from delivery vehicles, to any person or place other than holders of valid beer permits and licenses; and it shall be the duty of such wholesaler, distributor, warehouseman, or manufacturer and their salesmen or representatives to ascertain whether or not such person or place has been issued a valid retail beer permit or license by the town. (Ord. #01-13-04-1, March 2004)

8-212. Regulations of advertising. It shall be unlawful for any person authorized to sell beer to erect or maintain advertising or display signs except in conformity with the zoning laws or other applicable sign laws of the Town of Rogersville. (Ord. #01-13-04-1, March 2004)

8-213. Sale of beer to certain persons prohibited. It shall be unlawful for any person engaged in the sale of beer to make or permit to be made any sales of beer to any person under twenty-one (21) years of age except as authorized by law.

It shall be unlawful for any person to purchase beer for the purpose of selling or giving it to any minor, and any minor who purchases beer is subject to fine under the general penalty clause of this code.

It shall be unlawful to violate any of the provisions of Tennessee Code Annotated, § 57-5-101, et seq. (Ord. #01-13-04-1, March 2004)

8-214. Sale of beer to intoxicated persons prohibited. It shall be unlawful for any permittee or licensee to make, permit, or allow to be made any sale of beer to any person who is intoxicated. (Ord. #01-13-04-1, March 2004)

8-215. Regulation of the possession of beer. It shall be unlawful for any person to possess open cans, bottles, or containers of beer in motor vehicles. Except as may be provided for or permitted herein, it shall also be unlawful for

any person to possess open cans, bottles, or containers of beer upon the public streets, sidewalks, or other public places within the corporate limits. (Ord. #01-13-04-1, March 2004)

8-216. Inspection of beer businesses and premises. It shall be the duty of the police department or of any special police officers appointed by the mayor to inspect the place of business and premises of the holders of permits and licenses under this chapter, and it shall be unlawful for any permittee or licensee to refuse to permit any such inspection during any time said place is open for business. (Ord. #01-13-04-1, March 2004)

8-217. Violations and penalties. Any person violating any provisions of this chapter shall be guilty of a misdemeanor, and shall be fined in accordance with the general penalty clause of this code. Furthermore, any permittee or licensee violating any provision of this chapter shall be cited to the board for a suspension or revocation, or other sanctions as may be authorized, of the permit or license held by the permittee or licensee.

Each sale made in violation of any provision of this chapter shall constitute a separate offense. (Ord. #01-13-04-1, March 2004)

8-218. Special events permit. A special events permit for the retail sale of beer may be issued to current not-for-profit (as defined by subsection (1) herein) on-premises permit holders to be effective for periods of time not exceeding forty-eight (48) hours duration. Such permits shall be issued only for a community event designated as a special event by the board.

(1) A special event is defined as an event held or sponsored by a not-for-profit organization, qualified as tax exempt by § 501 of the Internal Revenue Code of 1954, as amended, held on public or private property (but in no event to be held on municipal park or school property), the proceeds of said event to be used solely for the benefit of the not-for-profit organization. The location of the event, if to be held on public property, must receive the prior approval of the board of mayor and alderman.

(2) The special events permit may provide for the sale and consumption of beer in public or private locations by individuals attending the special event but does not otherwise suspend the prohibitions of § 8-215 regarding motor vehicles. The special events permit shall provide the following:

- (a) The name of the permit holder;
- (b) The location of the retail sale of beer during the special event;
- (c) The name of the special event;
- (d) The duration of the permit.

(3) The application for the special events permit shall be filed with the beer board not later than thirty (30) days prior to the beginning date of the special event accompanied by the application fee set forth on § 2-203(a).

(4) The board shall designate the geographical location of a special event and any sale and consumption of beer, sold by a special event permit holder, in a public place, shall be subject to the provisions of this chapter. (Ord. #01-13-04-1, March 2004)

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

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. DANCING AND DANCING FACILITIES.
7. MASSAGE BUSINESSES.
8. CABLE TELEVISION.

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

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1986 Code, § 5-101)

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14 and Appendix A.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Police officers to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor 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. (1986 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1986 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (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.

¹Municipal code references
Privilege taxes: title 5.

(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) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.

(8) 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.

(9) 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.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1986 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of the investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1986 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on the appeal, and notice of the time and place of the 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 police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1986 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with the permittee that the property purchased will be delivered according to the representations of the permittee. Action on the bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given. The surety may be relieved without costs of all further liability, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced. (1986 Code, § 5-206)

9-207. 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 town 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. (1986 Code, § 5-207)

9-208. Use of streets. 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 the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1986 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1986 Code, § 5-209)

9-210. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1986 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, 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 breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) The mayor may suspend a permit pending the revocation hearing when reasonably necessary in the public interest. (1986 Code, § 5-211)

9-212. 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. (1986 Code, § 5-212)

9-213. 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 without cost 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 issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1986 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.

9-302. Prerequisites for permit.

9-303. Denial of permit.

9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. This section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1986 Code, § 5-301)

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1986 Code, § 5-302)

9-303. Denial of permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1986 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any police officer or person solicited. (1986 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab permit and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance or bond required.
- 9-404. Revocation or suspension of permit.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.
- 9-417. Rates and charges generally.

9-401. Taxicab permit and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab permit from the town and has a currently effective privilege license. A taxicab permit shall be valid for two (2) years from the date of issuance unless otherwise revoked for cause. A taxicab permit shall be revoked upon the expiration date of the permittee's privilege license until the privilege license is renewed. (1986 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab permit if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab permits shall be made under oath and in writing to the recorder. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of the cabs, the names of all persons who will act as drivers of the cabs, and such other pertinent information as the recorder may require. The application shall be accompanied by at least two (2)

¹Municipal code reference
Privilege taxes: title 5.

affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application, the recorder shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and aldermen; and make a recommendation either to grant or refuse a permit to the applicant. The board of mayor and aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the permit shall be heard. In deciding whether or not to grant the permit, the board of mayor and aldermen 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 permit. Those persons already operating taxicabs when this code is adopted shall not be required to make application under this section but shall be required to comply with all of the other provisions hereof. (1986 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated title 55, chapter 12. A certified copy of every insurance policy covering every authorized vehicle shall be filed with the recorder. In the event of the termination or cancellation of the insurance, the permit provided for in this chapter shall be automatically revoked until such time as additional insurance is obtained and a certified copy of the policy is filed with the recorder. (1986 Code, § 5-403)

9-404. Revocation or suspension of permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab permit 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. (1986 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the town unless the taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of the 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 the doors may be operated by the passenger from inside 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. (1986 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the town 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. (1986 Code, § 5-406)

9-407. 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. (1986 Code, § 5-407)

9-408. 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 recorder. The fee for the driver's permit shall be one dollar (\$1.00). (1986 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the recorder:

- (1) Makes written application to the recorder.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing, and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the town 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 traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1986 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1986 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising

upon the streets of the town for the purpose of obtaining patronage for their cabs. (1986 Code, § 5-411)

9-412. 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 town for the use of taxicabs. Taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops do not unreasonably interfere with or obstruct other traffic and the passenger loading or discharging is promptly accomplished. (1986 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1986 Code, § 5-413)

9-414. 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. (1986 Code, § 5-414)

9-415. 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 blow the automobile horn unnecessarily; or otherwise to disturb unreasonably the peace, quiet, and tranquility of the town in any way. (1986 Code, § 5-415)

9-416. 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 the other passenger. (1986 Code, § 5-416)

9-417. Rates and charges generally. The rate to be charged for a trip to one destination of any taxicab shall not be in excess of two dollars (\$2.00) for the first one (1) mile or fraction thereof and seven cents (7¢) for each additional one-tenth mile or fraction thereof. Waiting time shall be charged on the basis of not more than sixty-five cents (65¢) per five minutes with appropriate charges being made for fractions thereof. "Waiting time" shall include the time when the taxicab is not in motion, beginning with the time of arrival to the place to which it has been called, or time consumed when it is standing at the direction of the passenger. No charge shall be made for time consumed by premature response to a call or for time lost through traffic interruption or for delays caused by the inefficiency of the taxicab or its driver. (Ord. #2-14-89-1, March 1989)

CHAPTER 5**POOL ROOMS¹****SECTION**

- 9-501. Hours of operation regulated.
9-502. Minors to be kept out; exception.
9-503. Gambling, etc., not to be allowed.

9-501. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire between 1:00 P.M. to 6:00 P.M. on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1986 Code, § 5-501)

9-502. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, or for their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if the father and mother are living. If the father is dead, then written consent must be obtained from the mother, guardian, or other person having legal control of such minor. If the minor is in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school must be obtained. This section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1986 Code, § 5-502)

9-503. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (1986 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

DANCING AND DANCING FACILITIES

SECTION

9-601. Prohibited in business zones.

9-602. Public disturbances prohibited.

9-603. Issuance of licenses.

9-604. Enforcement.

9-601. Prohibited in business zones. It shall be unlawful for any person, persons, partnership, corporation, or any social group or club to operate or maintain a dance where music is played within the business zones of the Town of Rogersville. (1986 Code, § 5-601)

9-602. Public disturbances prohibited. It shall be unlawful for any person, persons, partnership, corporation, or any social group or club to operate or maintain a dance where music is played within any area of this town where the peace and tranquility of residents nearby are disturbed by the noise or music emitting therefrom.

In the event music is being played for the entertainment of a group of people, even though no dancing takes place, the provisions of this chapter shall apply the same as if a public or social dance was being held. (1986 Code, § 5-602)

9-603. Issuance of licenses. The recorder is directed not to issue any license for the operation of a public dance until the terms and provisions of this chapter have been complied with. (1986 Code, § 5-603)

9-604. Enforcement. Whenever a violation of this chapter occurs and the peace and tranquility of the community is disturbed, the police department is directed to arrest those responsible and temporarily close the place where the dance is being held. (1986 Code, § 5-604)

CHAPTER 7

MASSAGE BUSINESSES

SECTION

- 9-701. Definitions.
- 9-702. Application; fee; investigation; issuance of permit.
- 9-703. Massage permits.
- 9-704. Inspections.
- 9-705. Suspension of permits.
- 9-706. Revocation of permits.
- 9-707. Daily register.
- 9-708. Regulations.
- 9-709. Display of permits.
- 9-710. Unlawful acts.
- 9-711. Expiration of permits.
- 9-712. Inapplicability to doctors, etc.
- 9-713. Permits not transferrable.

9-701. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Employee" means any person, other than massagers, who render any service to patrons of massage parlors.

(2) "Massage" means the exerting or applying of pressure, friction, moisture, heat, or cold to the human body by any method and/or the rubbing, stroking, kneading, pounding, tapping, washing, or otherwise manipulating a part or the whole or the human body or the muscles or loins thereof by any physical or mechanical means for any form of consideration.

(3) "Massage parlor" means any establishment having a fixed place of business where the administering of massages is the principal or main business purpose or activity that is conducted on the premises. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, or osteopath.

(4) "Massager" means any person who administers a massage to another person at a massage parlor.

(5) "Permittee" means the individual, partnership, association, joint stock company, corporation, or combination of individuals of whatever form or character, which is the legal holder of a massage parlor permit as provided by this chapter. (1986 Code, § 5-701)

9-702. Application; fee; investigation; issuance of permit. Any person desiring a massage parlor permit to establish, maintain, or operate a massage parlor in the town shall make application to the city recorder's office

on an application form provided by the Town of Rogersville, which shall contain the name and address of the place where the applicant proposes to operate, maintain, or establish a massage parlor in the town. Each massage parlor permit application shall be accompanied by an investigation fee of five hundred dollars (\$500.00).

The application shall state thereon that "It is unlawful for any person to make a false statement on this application. The making of a false statement shall constitute grounds for denial of an application or revocation of a permit."

The application shall include a business, occupation, or employment history of the applicant for the five (5) years immediately preceding the date of the application. It shall also include a detailed statement of any and all convictions; pleas of nolo contendere or forfeitures suffered by the applicant; if the applicant is a partnership or association, any partner or member thereof; or if the applicant is a corporation, any officer, director, or manager thereof or any shareholder thereof on any charge of prostitution, assignation, pandering obscenity, lewdness, crimes against nature, or any provisions of this chapter, or any provision of a similar law or ordinance in any other jurisdiction.

The chief of police shall arrange to have the fingerprints of each applicant taken. Fingerprints shall constitute a part of the application. There shall be filed with the application at least two (2) portrait photographs of the applicant taken within sixty (60) days immediately prior to the date of the application. The photographs shall not be less than two inches (2") by two inches (2") and shall show the head and shoulders of the applicant in a clear and distinguishable manner.

Upon receipt of the application and investigation fee, the mayor shall make or cause to be made an investigation of the applicant, which shall include:

- (1) The criminal record of the applicant.
- (2) Communication with employers, business associates, or fellow employees of the applicant during the five (5) years preceding the investigation.
- (3) Determination of whether the premises proposed to be utilized by the applicant comply with the provisions of this chapter and all other zoning ordinances and all other building, fire, plumbing, and electrical codes.
- (4) Any and all other matters which the mayor deems to be material to a reasonable consideration of the applicant.

The chief of police shall file his investigative report, with all supporting material and documentation, with the board of mayor and aldermen not later than twenty-one (21) days following the date of application; however, the chief of police may file an amended report at any time additional material concerning the applicant comes to his attention.

Upon receipt of the report of chief of police, the board of mayor and aldermen shall docket the application on the agenda of the next regular meeting of the board of mayor and aldermen, at which time a hearing shall be conducted on the application. The board of mayor and aldermen, after a consideration of the application and investigative report, after an open examination of the

applicant, after opportunity has been given for the introduction of additional information by any interested party, and after a full and complete consideration of all relevant facts and circumstances, shall authorize the issuance of a massage parlor permit at the premises designated in the application within one week following the hearing, unless it finds that: the application is efficient; the application contains false information; the applicant has not complied with all applicable laws and ordinances; the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, crime against nature, or any provision of this chapter or any provision of a similar law or ordinance in any other jurisdiction. Notice of the time and place of the hearing before the board of mayor and aldermen shall be posted in a conspicuous place upon the premises specified in the application at least five (5) days prior thereto and the applicant shall maintain the notice until after the hearing.

The board of mayor and aldermen may not authorize the issuance of a permit to an applicant whose proposed premises for the establishment, maintenance, or operation of a massage parlor is within one-half ($\frac{1}{2}$) mile, measured from property line to property line, of any church, school, hospital, funeral parlor, library museum, playground, or other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years. (1986 Code, § 5-702)

9-703. Massage permits. Any person desiring a permit to act as a massager in a massage parlor in the town shall make application to the city recorder's office on an application form provided by the Town of Rogersville. The application form shall contain spaces for the applicant's name, address, telephone number, all previous addresses within the year immediately preceding the date of the application, date of birth, place of birth, height, weight, massage training, and current employment. Each massager permit application shall be accompanied by an investigation fee of two hundred fifty dollars (\$250.00).

The application shall state thereon that "It is unlawful for any person to make a false statement on this application. The making of a false statement shall constitute grounds for a denial of an application or revocation of a permit."

The application shall also include a detailed statement of any conviction, plea of nolo contendere, or forfeiture, suffered by the applicant on any charge of prostitution, assignation, pandering, obscenity, lewdness, crimes against nature, or any provisions of this chapter or any provisions of a similar law or ordinance in any other jurisdiction.

The chief of police shall arrange to have the fingerprints of each applicant taken. Fingerprints shall constitute a part of the application. There shall be filed with the application at least two portrait photographs of the applicant taken within sixty (60) days immediately prior to the date of the application. The photographs shall not be less than two inches (2") by two inches (2") and

shall show the head and shoulders of the applicant in a clear and distinguishable manner.

All persons who desire to act as a massager at a massage parlor in the Town or Rogersville shall attach to their applications a certification from a licensed physician by the State of Tennessee that the applicant has submitted to a physical examination for contagious and communicable diseases and that the applicant is either free from any contagious or communicable diseases or is incapable of communicating any such diseases to others. The physical examination shall include a recognized blood test for syphilis, a culture for gonorrhea, and a chest x-ray which shall be made and interpreted by a trained radiologist.

Upon receipt of the application and investigation fee, the mayor shall make or cause to be made an investigation of the applicant, which shall include:

- (1) The criminal record of the applicant.
- (2) Communication with employers, business associates, or fellow employees of the applicant during the five (5) years preceding the investigation.
- (3) Referral of the medical examination submitted with the application to the medical department of the Town of Rogersville for review and comment or to any retained, qualified clinic.
- (4) Any and all other matters which the mayor deems to be material to a reasonable consideration of the applicant.

The chief of police shall file his investigative report, with all supporting material and documentation, with the board of mayor and aldermen not later than twenty-one (21) days following the date of application; however, the chief of police may file an amended report at any time additional material concerning the applicant comes to his attention.

Upon receipt of the report of chief of police, the board of mayor and aldermen shall docket the application on the agenda of the next regular meeting of the board of mayor and aldermen, at which time a hearing shall be conducted on the application. The board of mayor and aldermen, after a consideration of the application and investigative report, after an open examination of the applicant, after opportunity has been given for the introduction of additional information by any interested party, and after a full and complete consideration of all relevant facts and circumstances, shall authorize the issuance of a massager's permit at the premises designated in the application within one week following the hearing, unless it finds that: the application is deficient; the application contains false information; the applicant has not complied with all applicable laws and ordinances; the applicant has been convicted, pleaded nolo contendere, or suffered a forfeiture on a charge of prostitution, assignation, pandering, obscenity, lewdness, crime against nature, or any provision of this chapter or any provision of a similar law or ordinance in any other jurisdiction.

All massagers who possess valid permits for administering massages in a massage parlor in the Town of Rogersville shall undergo a physical examination, including the aforementioned tests for contagious and

communicable diseases, at least once every six (6) months following the issuance of the massager permits. When the mayor or his duly authorized representative has cause to believe that the massager is capable of communicating any contagious diseases to others, he may at any time require an immediate physical examination of the person.

In no event, and under no circumstances, shall a permit be issued to any party unless and until the party has satisfactorily completed a course or courses of studying body massage in an approved school of instruction and training which is accredited by, approved and recognized by, the American Massage and Therapy Association or a similar accredited association. The courses shall pertain to anatomy, physiology, hygiene, first aid, exercise, therapy massage techniques, and other related aspects of the arts and sciences of massage or physical therapy. (1986 Code, § 5-703)

9-704. Inspections. The mayor or his duly authorized representative is hereby authorized to enter, examine, and survey any premises in the town for which a massage parlor permit has been issued pursuant to this chapter during business hours to enforce the provisions of this chapter. (1986 Code, § 5-704)

9-705. Suspension of permits. If the mayor or his duly authorized representative finds that the massage parlor for which the massage parlor permit was issued does not conform to this chapter or the permittee has refused the mayor or his duly authorized representative the right to enter the premises to enforce the provisions of this chapter, the mayor or his duly authorized representative may temporarily suspend the massage parlor permit, pending a hearing before the board of mayor and aldermen. A copy of the temporary suspension shall be sent to the board of mayor and aldermen for docketing on the next regular agenda of board of mayor and aldermen and sent to the permittee at his place of business by certified mail, which shall set forth the reason for the suspension. No person shall operate a massage parlor when subject to an order of suspension. The board of mayor and aldermen may, after an open hearing, reinstate a suspended massage parlor permit when no fact or condition exists which would otherwise warrant the refusal to grant a massage parlor permit under the terms of this chapter. (1986 Code, § 5-705)

9-706. Revocation of permits. Any massage parlor permit or any massager permit granted under this chapter shall be revoked by the board of mayor and aldermen after notice and hearing if the permittee or massager has been convicted, pleaded nolo contendere, or suffered a forfeiture on any charge of prostitution, assignation, pandering, obscenity, lewdness, crimes against nature, or any provision of this chapter or any provision of a similar law or ordinance in any other jurisdiction.

The notice required by this section shall be sent by certified mail to the permittee or massager at his last known address at least five (5) days prior to the date set forth for the hearing before the board of mayor and aldermen.

If any massager or other employee of any permittee violates any provisions of this chapter, it shall be presumed that the violation was with the knowledge and consent of the permittee; if any permittee fails to overcome the presumption, the massage parlor permit issued to him shall be subject to permanent revocation in the manner set out in this section. (1986 Code, § 5-706)

9-707. Daily register. Every permittee shall maintain a daily register, showing the names and addresses of all patrons, along with the name of the massagers assigned and the fee charged. The daily register shall be kept in a permanent, well-bounded book; it shall be kept on file for at least one (1) year. (1986 Code, § 5-707)

9-708. Regulations. No massage parlor shall be operated, established, or maintained in the town that does not comply with the following minimum standards:

(1) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials shall be disinfected after use on each patron.

(2) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers, or cabinets. These containers or cabinets shall be kept separate from the clean storage area.

(3) Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

(4) All massage tables, bathtubs, shower stalls, steam or bath areas, and floors shall have surfaces which may be readily disinfected.

(5) Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(6) Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons to be served at any given time. Separate bathing, dressing, locker, toilet, and massage room facilities shall be provided male and female patrons.

(7) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

- (8) The premises shall be equipped with a service sink for custodial services.
- (9) Eating in the massage work areas shall not be permitted.
- (10) Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas. (1986 Code, § 5-708)

9-709. Display of permits. Every permittee to whom a massage parlor permit has been granted shall display the massage parlor permit in a conspicuous place in the massage parlor or establishment so that it may be readily seen by persons entering the premises.

Every person to whom a massager permit has been granted shall, while in a massage parlor, openly display the permit by pinning or clasping it to his or her outer garments, so that it may be readily seen by patrons and other interested persons.

No permit shall be altered or defaced in any manner by any permittee or massager. (1986 Code, § 5-709)

9-710. Unlawful acts. (1) It shall be unlawful for any person in a massage parlor to place his or her hand or hands upon or touch with any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person or the vulva or breast of a female.

(2) It shall be unlawful for any person in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall be also unlawful for any person in the massage parlor to expose the sexual or genital parts, or any portion thereof, of any other person.

(3) It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.

(4) It shall be unlawful for any person owning, operating, or managing a massage parlor knowingly to cause, allow, or permit any agent, employee, or any other person under his control or supervision to perform acts prohibited in this chapter or to perform massages without a license in or about the massage parlor, and violation of this provision shall be grounds for revocation of the massage parlor permit.

(5) Massagers issued a permit under this chapter may not administer massages at any place other than at a massage parlor which has also been issued a permit hereunder.

(6) Every person owning, operating, or managing a massage parlor shall post a copy of this chapter in a conspicuous place in the massage parlor so that it may be readily seen by persons entering the premises.

(7) It shall be unlawful for any massage parlor to remain open or provide services at any time between the hours of 10:00 P.M. and 10:00 A.M. or at any time on Sundays.

(8) The administering of massages shall not be conducted in private rooms or areas, but shall be conducted in separate general areas for males and females. (1986 Code, § 5-710)

9-711. Expiration of permits. Each massage parlor and massager permit shall expire one (1) year from the date of issue. The application for renewal of either a massage parlor permit or a massager permit shall be accompanied by an investigative fee of ten dollars (\$10.00). (1986 Code, § 5-711)

9-712. Inapplicability to doctors, etc. Nothing in this chapter shall be construed to require a duly licensed physician, surgeon, physical therapist, chiropractor, osteopath, or registered nurse to obtain a massager license as prescribed in this chapter. (1986 Code, § 5-712)

9-713. Permits not transferrable. No permit issued hereunder shall be transferrable. (1986 Code, § 5-713)

CHAPTER 8

CABLE TELEVISION

SECTION

9-801. To be furnished under franchise.

9-801. To be furnished under franchise. Cable television service shall be furnished to the Town of Rogersville and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Rogersville and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #1-12-93-1 dated March 1993 in the office of the recorder.

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

10-101. Animals and fowls prohibited.

10-101. Animals and fowls prohibited. It shall be unlawful for any person to own, keep, or maintain any cows, swine, sheep, horses, ponies, mules, goats, or other livestock, or any chickens, ducks, geese, turkeys, or other domestic fowls within the corporate limits. (1986 Code, § 3-101)

CHAPTER 2

DOGS

SECTION

- 10-201. Definitions.
- 10-202. Inoculation, registration, and tagging of dogs.
- 10-203. Seizure and disposition of dogs.
- 10-204. Confinement of dogs suspected of being rabid.
- 10-205. Dogs at large.
- 10-206. Pit bulldogs.

10-201. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) "Dog." All members of the canine family.
- (2) "Dog catcher." Any person hired by the Town of Rogersville for the express purpose of capturing dogs running at large.
- (3) "Inoculation." The injection of an antirabic vaccine which meets the standards prescribed by the United States Department of Agriculture for interstate sale.
- (4) "Owner." Any person having a right of property in a dog or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or who permits a dog to remain on or about his premises. (1986 Code, § 3-201)

10-202. Inoculation, registration, and tagging of dogs. Prior to June 1 of each year, every owner of a dog not confined at all times to an enclosed area or on a leash or muzzled shall cause the dog to be inoculated against rabies by a duly licensed veterinarian. Evidence of this inoculation shall consist of a certificate signed by the veterinarian, a copy of which shall be kept by the veterinarian, and a copy of which shall be given to the owner. The veterinarian shall also issue a serially numbered tag bearing the same number as the certificate. The tag shall at all times be attached to a collar or harness worn by the dog for which the certificate and tag have been issued. (1986 Code, § 3-202)

10-203. Seizure and disposition of dogs. On and after June 2 of each year, any dog found by the dog catcher or any officer appointed to enforce this chapter to not be wearing the evidence of inoculation as provided herein, or for which no certificate of inoculation can be produced, shall forthwith be impounded in the dog pound and the owner of the dog shall forthwith be subject to a penalty of two dollars and fifty cents (\$2.50). If the owner permits his dog to remain impounded for a period of time longer than five (5) days, then the owner shall be liable for a per diem maintenance fee for impoundment.

Where a dog is impounded and the owner is known, the dog catcher or officer shall immediately notify the owner in writing of the impoundment.

Where the owner is unknown, a notice giving full description of the dog shall be posted at the county courthouse by the dog catcher not later than 10:00 A.M. on the day following the impoundment.

All dogs which have been impounded for failure to be inoculated in accordance with the provisions of this chapter, due notice of which impounding shall have been given as provided in this chapter, shall be humanely destroyed after five (5) days if not redeemed by the owner as provided herein. (1986 Code, § 3-203)

10-204. Confinement of dogs suspected of being rabid. The owner of any dog, whether vaccinated or not, which has been bitten by another animal or which exhibits symptoms of rabies, shall immediately notify the dog catcher and shall promptly securely confine the dog for a period of at least ten (10) days unless officially authorized by proper authority to release it sooner.

Whenever the dog catcher receives information that any person has been bitten by a dog, whether the dog is vaccinated or not, the dog catcher shall have the dog confined for a period of ten (10) days. It shall be unlawful for any person having knowledge that any person has been bitten by a dog to refuse to notify promptly the dog catcher. It shall be unlawful for the owner of the dog to refuse or fail to comply with the orders of the dog catcher in any particular case, and any expenses incurred in the handling of any dog under this section shall be borne by the owner. (1986 Code, § 3-204)

10-205. Dogs at large. It shall be unlawful for any owner of a dog to allow the dog in public places, streets, sidewalks, rights-of-way, or other public areas within the Town of Rogersville without being under his or her control or confined to a leash at all times. Any person violating this section shall be subject to a fine in accordance with the general penalty clause for this code. Any dog found running at large and not under control or on a leash may be held and impounded at the dog pound as designated by the Town of Rogersville until such time as the owner comes forth to receive and claim possession of the dog. The dog may be humanely destroyed if not claimed within thirty (30) days. (1986 Code, § 3-205)

10-206. Pit bulldogs. It shall be unlawful for any person to allow any pit bulldog owned by such person, or in the control of such person, to be located in the corporate limits of the Town of Rogersville at any time. The owner and/or the person having control of any pit bulldog found within the corporate limits of the Town of Rogersville shall be deemed to be in violation of this section and shall be subject to the penalties as provided in this code. (Ord. #5-10-88-2, June 1988)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1986 Code, § 10-229)

¹Municipal code references

Animal control: title 10.

Housing and utility codes: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated, § 68-24-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

11-102. Minors in beer places. No person under the age of eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1986 Code, § 10-222)

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1986 Code, § 10-235)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1986 Code, § 10-202)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1986 Code, § 10-234)

CHAPTER 4**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-401. Impersonating a government officer or employee.

11-402. False emergency alarms.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1986 Code, § 10-211)

11-402. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1986 Code, § 10-217)

CHAPTER 5**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1986 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1986 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the town. (1986 Code, § 10-212, modified)

CHAPTER 6

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

11-601. Trespassing.

11-602. Trespassing on trains.

11-603. Interference with traffic.

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

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1986 Code, § 10-226)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1986 Code, § 10-221)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1986 Code, § 10-233)

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Abandoned refrigerators, etc.

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

11-703. Posting notices, etc.

11-704. Curfew for minors.

11-705. Wearing masks.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1986 Code, § 10-223)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without placing thereon an adequate cover or safeguard. (1986 Code, § 10-232)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1986 Code, § 10-227)

11-704. Curfew for minors. It shall be unlawful for any person, under the age of eighteen (18) years to be abroad at night after 11:00 P.M., unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1986 Code, § 10-224)

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

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1986 Code, § 10-236)

CHAPTER 8

CURFEW FOR MINORS

SECTION

- 11-801. Purpose.
- 11-802. Definitions.
- 11-803. Curfew enacted; exceptions.
- 11-804. Parental involvement in violation unlawful.
- 11-805. Involvement by owner or operator of vehicle unlawful.
- 11-806. Involvement by operator or employee of establishment unlawful.
- 11-807. Giving false information unlawful.
- 11-808. Enforcement.
- 11-809. Violations punishable by fine.

11-801. Purpose. The purpose of this chapter is to

- (1) Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the town;
- (2) Promote the safety and well-being of minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activity, particularly unlawful drug activity, and to being victimized by older criminals; and
- (3) Foster and strengthen parental responsibility for children.

11-802. Definitions. As used in this chapter, the following words have the following meanings:

- (1) "Curfew hours" means the hours of 12:30 A.M. through 6:00 A.M. each day.
- (2) "Emergency" means unforeseen circumstances, and the resulting condition or status, requiring immediate action to safeguard life, limb, or property. The word includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.
- (3) "Establishment" means any privately-owned business place within the town operated for a profit and to which the public is invited, including, but not limited to, any place of amusement or entertainment. The word "operator" with respect to an establishment means any person, firm, association, partnership (including its members or partners), and any corporation (including its officers) conducting or managing the establishment.
- (4) "Minor" means any person under eighteen (18) years of age who has not been emancipated under Tennessee Code Annotated, § 29-31-101, et seq.
- (5) "Parent" means:

(a) A person who is a minor's biological or adoptive parent and who has legal custody of the minor, including either parent if custody is shared under a court order or agreement;

(b) A person who is the biological or adoptive parent with whom a minor regularly resides;

(c) A person judicially appointed as the legal guardian of a minor; and/or

(d) A person eighteen (18) years of age or older standing in loco parentis as indicated by authorization by a parent as defined in this definition for the person to assume the care or physical custody of the minor, or as indicated by any other circumstances).

(6) "Person" means an individual and not a legal entity.

(7) "Public place" means any place to which the public or a substantial portion of the public has access, including, but not limited to: streets, sidewalks, alleys, parks, and the common areas of schools, hospitals, apartment houses or buildings, office buildings, transportation facilities, and shops.

(8) "Remain" means

(a) to linger or stay at or upon a place or

(b) to fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator, or other person in control of that place.

(9) "Temporary care facility" means a non-locked, non-restrictive shelter at which a minor may wait, under visual supervision, to be retrieved by a parent. A minor waiting in a temporary care facility may not be handcuffed or secured by handcuffs or otherwise to any stationary object.

11-803. Curfew enacted; exceptions. It is unlawful for any minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked on any public place within the town, or to remain in or upon the premises of any establishment within the town, unless:

(1) The minor is accompanied by a parent; or

(2) The minor is involved in an emergency; or

(3) The minor is engaged in an employment activity, or is going to or returning home from employment activity, without detour or stop; or

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or

(5) The minor is attending an activity supervised by adults and sponsored by a school, religious, or civic organization, by a public organization or agency, or by a similar organization, or the minor is going to or returning from such an activity without detour or stop; or

(6) The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the name, signature, address, and telephone number of the parent authorizing the errand,

the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) The minor is involved in interstate travel through, or beginning or terminating in, the Town of Rogersville; or

(8) The minor is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and freedom of assembly.

11-804. Parental involvement in violation unlawful. It is unlawful for a minor's parent knowingly to permit, allow, or encourage a violation of § 11-803 of this chapter.

11-805. Involvement by owner or operator of vehicle unlawful. It is unlawful for a person who is the owner or operator of a motor vehicle knowingly to permit, allow, or encourage a violation of § 11-803 of this chapter using the motor vehicle.

11-806. Involvement by operator or employee of establishment unlawful. It is unlawful for the operator or any employee of an establishment knowingly to permit, allow, or encourage a minor to remain on the premises of the establishment during curfew hours. It is a defense to prosecution under this section that the operator or employee promptly notified law enforcement officials that a minor was present during curfew hours and refused to leave.

11-807. Giving false information unlawful. It is unlawful for any person, including a minor, knowingly to give a false name, address, or telephone number to any law enforcement officer investigating a possible violation of § 11-803 of this chapter. Each violation of this section is punishable by a maximum fine of fifty dollars (\$50.00).

11-808. Enforcement. (1) Minors. Before taking any enforcement action, a law enforcement officer who is notified of a possible violation of § 11-803 shall make an immediate investigation to determine whether or not the presence of the minor in a public place, motor vehicle, or establishment during curfew hours is a violation of that section. If the investigation reveals a violation and the minor has not previously been issued a warning, the officer shall issue a verbal warning to the minor to be followed by a written warning mailed by the police department to the minor and his/her parent(s). If the minor has previously been issued a warning for a violation, the officer shall charge the minor with a violation of § 11-803 and shall issue a citation requiring the minor to appear in court. In either case, the officer shall, as soon as practicable, release the minor to his/her parent(s) or place the minor in a temporary care facility for

a period not to exceed the remainder of the curfew hours so the parent(s) may retrieve the minor. If a minor refuses to give an officer his/her name and address or the name and address of his/her parent(s), or if no parent can be located before the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a crisis center or juvenile shelter and/or may be taken to a judge or juvenile intake officer of the juvenile court to be dealt with as required by law.

(2) Others. If an officer's investigation reveals that a person has violated §§ 11-803, § 11-804, § 11-805, or § 11-806 of this chapter and the person has not been issued a warning with respect to a violation, the officer shall issue a verbal warning to the person to be followed by a written warning mailed by the police department to the person. If there has been a previous warning to the person, the officer shall charge the person with a violation and issue a citation directing the person to appear in court.

11-809. Violations punishable by fine. A violation of § 11-803, § 11-804, § 11-805, or § 11-806 subsequent to receiving a verbal warning as provided in § 11-808 is punishable by a maximum fine of fifty dollars (\$50.00) for each violation.

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

1. BUILDING CODE.
2. BUILDING INSPECTOR.
3. PLUMBING CODE.
4. PLUMBING REGULATIONS.
5. ELECTRICAL CODE.
6. ELECTRICAL REGULATIONS.
7. GAS CODE.
8. HOUSING CODE.
9. FAIR HOUSING CODE.
10. MODEL ENERGY CODE

CHAPTER 1**BUILDING CODE**¹**SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2003 edition, is hereby adopted and incorporated by specific reference as a part of this code, and is hereinafter referred to as the building code. (1986 Code, § 4-101, as amended by Ord. #12-09-03-1, Feb. 2004)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the building code refers to the "chief appointing authority" or the "chief administrator," it shall be deemed to be a reference to the board of mayor and aldermen. 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 board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The recommended schedule of permit fees set forth in Appendix "K" is amended so that the fees to be collected shall be as provided from time to time by appropriate ordinance or resolution. The minimum fee for an inspection shall be one dollar and fifty cents (\$1.50). Section 114 of the building code is hereby deleted. (1986 Code, § 4-102)

12-103. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been filed with the city recorder and is available for public use and inspection. (1986 Code, § 4-103, as amended by Ord. #12-09-03-1, Feb. 2004)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1986 Code, § 4-104)

CHAPTER 2**BUILDING INSPECTOR****SECTION**

12-201. Office of building inspector.

12-202. Fees collected by building inspector.

12-201. Office of building inspector. There is hereby created the office of the building inspector, whose duties shall be to issue building permits and to enforce all codes relating to buildings that are now in effect and any that shall be adopted in the future, and to perform all other duties that may be delegated to him from time to time. (1986 Code, § 4-201)

12-202. Fees collected by building inspector. All fees and emoluments paid to the building inspector and collected by him shall be paid to the town. (1986 Code, § 4-202)

CHAPTER 3

PLUMBING CODE¹

SECTION

- 12-301. Plumbing code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations.

12-301. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,² 2000 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1986 Code, § 4-301, modified)

12-302. Modifications. Wherever the plumbing code refers to the "chief appointing authority," the "administrative authority," or the "governing authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "city engineer," "engineering department," "plumbing official," or "inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 110 of the plumbing code is hereby deleted. (1986 Code, § 4-302)

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1986 Code, § 4-303, modified)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Water and sewer systems: title 18.

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

12-304. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1986 Code, § 4-304)

CHAPTER 4

PLUMBING REGULATIONS

SECTION

- 12-401. Permit requirements.
- 12-402. Bond requirements.
- 12-403. Permit fees.
- 12-404. Creation and membership of board of examiners.
- 12-405. Powers and duties of board of examiners.
- 12-406. Issuance of permits.
- 12-407. Inspections.
- 12-408. Reinspections.
- 12-409. Extra inspections.
- 12-410. Review of inspection decisions.
- 12-411. Inspection fees.
- 12-412. Standards and their application for plumbing controls.

12-401. Permit requirements.¹ No person, firm, or corporation, engaged in or working at the business of plumbing contracting shall engage in that business unless the person, firm, or corporation has first received a permit in accordance with the provisions of this chapter. (1986 Code, § 4-401)

12-402. Bond requirements. Any person, firm, or corporation desiring to engage in or work at the business of plumbing contracting shall present to the board of examiners that they are properly bonded in the penal sum of two thousand five hundred dollars (\$2,500.00) with some surety company authorized to do business in the State of Tennessee. The bond shall be payable to the town for the use of the town and any citizen who is damaged by the failure of the plumbing contractor to comply strictly with the plumbing code, of who may be damaged by any negligence committed or imperfect or defective work done by the plumbing contractor or any person in the employ of the plumbing contractor while acting in the scope and course of their employment.

The bond shall require plumbing contractors to comply with all the provisions of the plumbing code and any revisions or supplements which may be made or added from time to time. In the bond the plumbing contractor shall indemnify and save harmless the town and all persons therein from loss, cost, or damage caused by negligence or inadequate, imperfect, or defective work done by them or their employees while acting in the scope and course of their

¹Municipal code reference.

Issuance of permits: § 12-406.

Plumbing code: code 12, chapter 3.

employment. Nothing in this section shall be construed to relieve any plumbing contractor from giving bond as now required by this code or other ordinances of the town. (1986 Code, § 4-402)

12-403. Permit fees. The fee for a permit to work at or engage in the business of plumbing contracting shall be twelve dollars and fifty cents (\$12.50) per year or fraction thereof, permit to expire October 15, following. No permit to do plumbing work shall be issued until the annual fee to engage in business has been paid. (1986 Code, § 4-403)

12-404. Creation and membership of board of examiners. There is hereby created and established a board of examiners. This board shall consist of three members, who from special training or experience would qualify as experts either in the field of plumbing or heating. At least one of the three members shall be a person who from special training and experience is qualified in the field of natural gas installations, and at least one of the three members shall be a person who from special training and experience is qualified in the field of plumbing. The third member shall be qualified by special training either in the field of natural gas, heating, or plumbing. One shall be the building official. The terms of office for the board members, other than the building official, shall be for a period of two years, or until their successors are appointed. The mayor shall appoint the appointive members of the board and their successors, and the two members of the board, before assuming their duties, shall subscribe to an oath before the recorder to discharge their duties impartially to the best of their ability, without fear or favor. The appointive members shall serve without compensation. (1986 Code, § 4-404)

12-405. Powers and duties of board of examiners. The board of examiners shall, as soon as possible after their appointment, meet and organize by selecting a chairman. The building official shall be the secretary and shall designate the time and place for the examination of all applicants desiring to obtain a permit to operate a plumbing business in the Town of Rogersville.

A meeting of the examining board shall not be held more often than once a month, unless a special meeting is requested by at least two members of the board, one of which must be the secretary of the board. All persons, firms, corporations, or contractors desiring to do plumbing contracting who do not at this time have a permit to engage in plumbing contracting shall appear before the board of examiners and be examined as to their qualifications and ability to operate such a business, and be approved for a permit. No permit shall be issued by the recorder without a certificate of approval from the board of examiners, and the fee for the above examination, which may be either oral or written, shall be five dollars (\$5.00) in addition to the regular permit fee. The plumbing contractor or a licensed employee shall be on every job. Competent laborers or workmen to do and perform the work undertaken by the plumbing

contractor, in the installation, replacement, or repair of plumbing, or the installation, repair, or servicing of plumbing fixtures and equipment and appliances connected to them shall also be on every job. The contractor shall be responsible for seeing that work is performed in a safe and workmanlike manner and is up to the standard of the art of this kind of work. The contractor shall see that work is performed in accordance with good engineering practices as used by those in such work familiar with all precautions required for utmost safety and in accordance with the provisions of this chapter.

Any permit to engage in the work of plumbing contractor may be revoked by the board of examiners for the failure to comply with all municipal ordinances governing the installation of plumbing fixtures and equipment and in doing plumbing work; for allowing work to be carried on in an unworkmanlike manner by those employed by him; by using unqualified labor in such work; allowing work to be done in a hazardous manner; or for continued inefficient work. Certificates for a permit shall be signed by the chairman of the board of examiners and the secretary, and the permit shall be issued by the recorder. The permit shall be valid until revoked. (1986 Code, § 4-405)

12-406. Issuance of permits. Permits for any work covered by this chapter shall be issued only by the recorder upon receipt of an application issued by the building official. No application for a permit will be issued until the applicant, if requested to do so by the building official, submits detailed plans or drawings showing the work to be covered by the permit.

The authority is hereby granted to the building official to make additional charges on any job for which a permit has been issued to cover any addition to that particular job, or for work knowingly or unknowingly left out by the applicant for the permit.

Any non-resident plumbing contractor desiring to do plumbing work in the Town of Rogersville who furnishes the building official with sufficient proof that he is properly licensed and otherwise qualified to conduct his particular type of business in a town or city which has rules and regulations governing such work comparable to those in force in the Town of Rogersville will be permitted to do such work in the Town of Rogersville after having purchased from the recorder, upon recommendation of the building official, the necessary permits governing the work. Only one permit per year will be issued under the above conditions. The action of the building official in this matter will be subject to the final approval of the board of examiners. (1986 Code, § 4-406)

12-407. Inspections. The plumbing inspector and the mayor are hereby granted authority to enter any building or premises for the inspection of plumbing at any time within reasonable working hours.

At least two inspections shall be made on each job, the first one when the work is roughed in and test on, and the second one when the work is finished and all fixtures set. On jobs where, due to size of type of construction, it would

not be practical to have all plumbing ready for inspection at one time, inspections will be made as often as is necessary. (1986 Code, § 4-407)

12-408. Reinspections. The plumbing inspector in conjunction with the health department may make periodically a thorough reinspection of the installation of all plumbing, devices, appliances, and equipment now installed or that may hereafter be installed within the Town of Rogersville and within the scope of this chapter. When the installation of any such plumbing, devices, appliances, or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating them shall be notified in writing and shall make the necessary repairs or changes required to place such plumbing devices and equipment in safe and sanitary condition. The person shall have such work completed within five days or any longer period specified by the county health department.

Upon failure of any person, firm, corporation, or contractor to comply promptly with any notice or instructions from the plumbing inspector or the health department to correct unsanitary conditions or faulty work, the building official, upon recommendation by the health department, shall have and is hereby granted authority to request the water commission of the Town of Rogersville to discontinue water service to the offender until the notice or instructions have been complied with. The water commission is hereby authorized to take such action. (1986 Code, § 4-408)

12-409. Extra inspections. Extra inspections made necessary through failure of any plumbing contractor or his agent or employee in charge of the work to properly specify the location of the work, or to install plumbing or fixtures in violation of the plumbing code, or to otherwise create conditions making additional inspection necessary will be charged for at the rate of three dollars (\$3.00) a trip.

Nothing in this chapter shall be constructed to relieve the contractor, owner, or operator of a plumbing business of full responsibility for work done by their employees. (1986 Code, § 4-409)

12-410. Review of inspection decisions. When the building official upon recommendation of the health department condemns all or part of a plumbing installation, the owner or agent may, within five days after receiving written notice from the building official, file a petition in writing for review of said action of the plumbing inspector with the mayor, upon receipt of which the mayor shall at once proceed to determine if the plumbing installation complies with this chapter and within three (3) days shall make a decision in accordance with his findings. (1986 Code, § 4-410)

12-411. Inspection fees. The schedule of fees to be charged for the inspection of all plumbing and plumbing fixtures shall be as provided from time to time by appropriate ordinance or resolution. (1986 Code, § 4-411)

12-412. Standards and their application for plumbing controls. Except as may be provided otherwise in this chapter or duly adopted rules, the requirements of the Standard Plumbing Code,¹ as revised from time to time, shall be deemed to be the most approved methods and practices and acceptable and suitable for use under this chapter.

No plumbing shall be installed in a building or structure, nor shall an alteration or extension of an existing plumbing system be made except in conformity with the provisions of this chapter or any rules that may be adopted and promulgated by the building official as hereby provided for by this chapter.

No rule or regulation of the building official shall become effective until four weeks after notice of intention to adopt it has been given in the official paper of the town and until a public hearing on it has been held. The public hearing shall not be necessary unless a request has been made for the hearing during the period of publication. The rule must be drawn in its proposed form and open to public inspection at the time the notice to adopt is published.

Rules adopted and promulgated as herein provided shall have the same force and effect as provisions of this chapter.

Any rule may be amended or repealed by the same procedure prescribed for the adoption of new rules.

In adopting rules for plumbing control, the building official shall embody in them the most approved methods and practices for safety of life and property.

It shall be unlawful to install, maintain, or use any plumbing fixtures or appliances in connection therewith except in conformity with the rules and regulations provided by this chapter.

It shall be unlawful to use or permit the use of, or to supply water service to a plumbing system in a building or structure, unless the required inspection and approval has been granted.

No person, except those who are qualified and have been approved by the plumbing inspector, shall be allowed to install house drains or house sewers or make connections to the municipal sewer system. House drains and house sewers are that part of a sewer system which extends from the outside of the building to the municipal sewer system.

It shall be unlawful to make or cause to be made any connection to the municipal sewer system until a permit has been issued for the connection and proof furnished the plumbing inspector that persons who are qualified will do this work.

¹Municipal code reference

Plumbing code: title 12, chapter 3.

It shall be unlawful to cover any plumbing, house drains, or house sewer connections until the work has been inspected and approved by the plumbing inspector. (1986 Code, § 4-412)

CHAPTER 5**ELECTRICAL CODE**¹**SECTION**

- 12-501. Electrical code adopted.
12-502. Available in recorder's office.
12-503. Permit required for doing electrical work.
12-504. Violations.
12-505. Enforcement.

12-501. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, regulation 15 of the Tennessee Department of Insurance, Division of Fire Prevention,² and the National Electrical Code,³ 2002 edition, as prepared by the National Fire Protection Association, and modified by regulation 15, are hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1986 Code, § 4-501, modified)

12-502. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of regulation 15 and the National Electrical Code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1986 Code, § 4-502, modified)

12-503. Permit required for doing electrical work. No electrical work shall be done within the Town of Rogersville until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits,

¹Municipal code reference

Fire protection and fireworks: title 7.
Property maintenance: title 13.

²Copies of this regulation are available from the Department of Insurance, Division of Fire Prevention, 504 Tennessee Bldg., 64 Church Street, Nashville, Tennessee 37219-5319.

³Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1986 Code, § 4-503)

12-504. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1986 Code, § 4-504)

12-505. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1986 Code, § 4-505)

CHAPTER 6

ELECTRICAL REGULATIONS

SECTION

- 12-601. Definitions.
- 12-602. Permit requirements.
- 12-603. Bond requirements.
- 12-604. Permit fees.
- 12-605. Creation and membership of board of examiners.
- 12-606. Powers and duties of board of examiners.
- 12-607. Issuance of permits.
- 12-608. Inspections.
- 12-609. Reinspections.
- 12-610. Extra inspections.
- 12-611. Review of inspection decisions.
- 12-612. Inspection fees.
- 12-613. Installation and maintenance of television and radio antennae.
- 12-614. Standards and their application for electrical controls.

12-601. Definitions. As used in this chapter the following words or groups of words have the following meanings:

(1) "Electric contractor." The term electric contractor as master employer shall include all those persons, firms, or corporations offering their service for the installation of electric wiring of any type, but shall not be construed to include those engaged only in the sale of electric appliances or their maintenance and repair.

(2) "Outlets." For the purpose of the fee schedule, "outlets" shall mean all outlets as covered in Article 100 under "Definitions" Chapter I of the National Electric Code, also, all unit control switches and all motors less than 1/4 horse power.

(3) "Incandescent fixtures." For the purpose of the fee schedule, "incandescent fixtures" shall mean all fixtures using incandescent lamps.

(4) "Fluorescent fixtures." For the purpose of the fee schedule, "fluorescent fixtures" shall mean each ballast controlling any fluorescent lamp.

(5) "Motors." For the purpose of the fee schedule, "motors" shall mean all motors of (1/4) horse power or over.

(6) "Miscellaneous equipment." For the purpose of the fee schedule, "miscellaneous equipment" shall mean signs, ranges, water heaters, refrigerators, x-ray machines, rectifiers, furnace connections, gas jumps, transformers, motion picture machines, vulcanizers, toasters, waffle irons, and any other machines and devices. (1986 Code, § 4-601)

12-602. Permit requirements.¹ No person, firm, or corporation engaged in or working at the business of electric contracting as master employer shall engage in that business unless the person, firm, or corporation has first received a permit in accordance with the provisions of this chapter. (1986 Code, § 4-602)

12-603. Bond requirements. Any person, firm, or corporation desiring to engage in or work at the business of electric contracting as employer or owner shall present to the board of examiners evidence that they are properly bonded in the penal sum of five thousand dollars (\$5,000.00) with some surety company authorized to do business in the State of Tennessee. The bond shall be payable to the town or anyone who is damaged by any negligence committed or imperfect or defective work done by the electric contractor or any person in the employ of the electric contractor, while acting in the scope and course of their employment. The bond shall require electric contractors to comply with all the provisions of the National Electrical Code² and any revisions or supplement which might be made or added from time to time. In the bond the electric contractor shall indemnify and save harmless the town and all persons therein from loss, cost, or damage caused by negligence of or inadequate, imperfect, or defective work done by them or their employees while acting in the scope and course of their employment. Nothing in this section shall be construed to relieve any electric contractor from giving bond as now required by this code or other ordinances of the town. (1986 Code, § 4-603)

12-604. Permit fees. Permit fees shall be as established by the board of mayor and aldermen by resolution. The owner of the business or the senior member or active head of the firm or corporation shall be considered as the person responsible for all work done under this chapter.

Authority is hereby granted to the building official to make additional charges on any job for which a permit has been issued to cover any addition to that particular job, or for work knowingly or unknowingly left out by the applicant for the permit. (1986 Code, § 4-604)

12-605. Creation and membership of board of examiners. There is hereby created and established a board of examiners. The board shall consist of three members. One of the members to be a person who from special training or experience would qualify as an expert in the electric field and one other shall be the building official. The term of office for the board members, other than the

¹Municipal code reference
Permits: § 12-607.

²Municipal code reference
Electrical code: title 12, chapter 5.

building official, shall be for a period of two (2) years or until their successors are appointed. The mayor shall appoint the members of the board, other than the building official, and their successors. Two (2) members of the board shall have power to act. All members of the board, before assuming their duties, shall subscribe to an oath before the recorder to discharge their duties impartially to the best of their ability, without fear or favor. The appointive members shall serve without compensation. (1986 Code, § 4-605)

12-606. Powers and duties of board of examiners. The board of examiners shall as soon as possible after their appointment meet and organize by selecting a chairman. The building official shall be the secretary and shall designate the time and place for the examination of all applicants desiring to obtain a permit to operate an electrical contracting business within the town.

The meeting of the examining board shall not be held more often than once a month, unless a special meeting is requested by at least two (2) members of the board, one of whom must be the secretary of the board. All persons, firms, corporations, or contractors desiring to engage in the business of electric contracting who do not at this time have a permit to engage in electric contracting shall appear before the board of examiners and be examined as to their qualifications and ability and be approved for a permit. No permit shall be issued by the recorder without a certificate of approval from the board of examiners. The fee for the above examination, which may be either oral or written, shall be five dollars (\$5.00) in addition to the regular permit fee. The electric contractor or a licensed employee shall be on every job. The electric contractor shall use qualified laborers or workmen in the installation, replacement, or repair or servicing of electric appliances and/or electric equipment. The contractor shall be responsible for seeing that work is performed in a safe and workmanlike manner and is up to the standard of the art of this kind of work. He shall see that work is performed in accordance with good engineering practices, as used by those in such work who are familiar with all precautions required for utmost safety and in accordance with the provisions of this chapter. Any permit to engage in the work of an electric contractor may be revoked by the board of examiners for the failure to comply with all municipal ordinances governing the installation of electric wiring, electric appliances, and/or electric equipment in doing such work; for allowing work to be carried on in any unworkmanlike manner by those employed by him; for allowing, and using unqualified labor in performance of such work; for allowing work to be done in a hazardous or dangerous manner; or for continued inefficient work. Certificates for a permit shall be signed by the chairman of the board of examiners and the secretary, and the permit shall be issued by the recorder. The permit shall be valid until revoked. (1986 Code, § 4-606)

12-607. Issuance of permits. Permits for any electrical work covered by this chapter shall be issued only by the recorder upon receipt of an

application issued by the building official. No application for a permit will be issued until the applicant, if requested to do so by the building official, submits detailed plans or drawings showing the work to be covered by the permit.

Electricians not residents of the town but employed by itinerant companies operating stage shows, circuses, and similar forms of entertainment will be required to purchase a permit, but without an examination. These electricians may install electric equipment for the use of such companies, subject to the instructions and approval of the electric inspector.

Any non-resident person, firm, or corporation selling and installing elevators, escalators, or other special equipment of this type, or firms or corporations who keep and maintain a construction organization of their own and who do construction work for no one except their own company, and who furnish the building official with sufficient proof that they are properly licensed and otherwise qualified to conduct their particular type of business in a town or city which has rules and regulations governing such work comparable to those in force in Rogersville will be permitted to do such work in Rogersville, after having purchased from the recorder, upon recommendation of the building official, the necessary permits governing the work. Only one such permit per year will be issued under the above conditions. (1986 Code, § 4-607)

12-608. Inspections. At least two inspections shall be made on each job. The first one shall be made when the work is roughed in (all connections made up and soldered or approved connectors not taped), and the second when the job is finished. On jobs where, due to size or type of construction it would not be practical to get all the wiring ready for inspection at one time, inspections will be made as often as is necessary.

No work shall be covered until the proper inspections have been made and approval given. The contractor or the person responsible for any work covered before it is inspected and approved will be required to uncover the work at their expense in order that the proper inspection might be made.

No service equipment or wiring shall be installed in attics, lofts, or upper floors unless there is a ladder or stairway furnished so that work will be accessible at the time the request for an inspection is made.

Nothing in this chapter shall be construed to relieve the contractor, owner, or operator of an electric contracting business of full responsibility for work done by their employees. (1986 Code, § 4-608)

12-609. Reinspections. The electric inspector shall make periodically a thorough reinspection of the installation of all electric wiring, devices, appliances, and equipment now installed or that may hereafter be installed within the town and within the scope of this chapter. When the installation of any such wiring, devices, appliances, or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating it shall be notified in writing and shall make the necessary repairs or changes

required to place such wiring, devices, and equipment in safe condition. Such work shall be completed within ten (10) days, or any longer period specified by the electric inspector in the notice. Upon failure of the contractor to comply with the notice, the electric inspector will and is hereby granted authority to have the electric service discontinued until the recommended repairs or changes are made. Reinspection shall be made at least once in every two years of all electric wiring, devices, appliances, and equipment in all automobile service stations, garages, hotels, rooming houses, auditoriums, and all other places used for public gatherings and seating more than sixty (60) persons. No fee will be charged for such inspections. (1986 Code, § 4-609)

12-610. Extra inspections. Extra inspections made necessary through failure of any electric contractor, his agents, or employees in charge of the work to specify properly the location of the work, or to install wiring or apparatus in the proper manner, or otherwise to create conditions making additional inspection necessary will be charged for at the rate of three dollars (\$3.00) per trip. (1986 Code, § 4-610)

12-611. Review of inspection decisions. When the electric inspector condemns all or a part of any electrical installation, the owner may, within five days after receiving written notice from the building official, file a petition in writing with the mayor for review of the action of the building official. Upon receipt of the petition the mayor shall at once proceed to determine if the electric installation complies with this chapter and within three days shall make a decision in accordance with his findings. (1986 Code, § 4-611)

12-612. Inspection fees. The schedule of fees to be charged for the inspection of wiring for lights, heat, and power and all other electrical equipment shall be as set by resolution of the board of mayor and aldermen. (1986 Code, § 4-612)

12-613. Installation and maintenance of television and radio antennae. All television antennae or masts and their appurtenances now existing or hereafter erected in the town shall comply with the following regulations and the applicable rules and regulations of the National Electric Code.

Before erecting any television antennae or masts or their appurtenances, application shall be made to the building official for a permit therefor. The application shall set forth detailed information regarding the location, type of antennae, and materials to be used, all of which shall conform to the provisions of this chapter. The application shall be accompanied by a fee of one dollar (\$1.00) payable to the Town of Rogersville. When the application shows that the proposed work and equipment conform with these regulations, the building official shall issue a permit therefor. Where the application fails to show

conformity to the provisions hereof, a permit shall be denied. It shall be unlawful for any person hereafter to erect a television antenna or mast or appurtenance without obtaining a permit from the building official. It shall be unlawful for any person to maintain or use or to have on his premises a television antenna or mast or appurtenance thereto unless they conform to these regulations. When and where any television antenna or mast or appurtenance thereto is in violation of these regulations, the owner of the equipment shall be served notice and given thirty (30) days to correct the condition of the equipment to conform to these regulations or to remove the equipment from the premises.

(1) No antenna or mast shall be located where it will be in danger of falling on the electrical distribution lines unless a separate safety wire is attached to the crossarm of the antenna and is sufficiently anchored as per § 12-613(3).

(2) The antenna or mast shall have at least three (3) guywires of no. twelve (12) or larger gauge galvanized wire or six (6) stranded clothes line wire.

(3) All guy-wires shall be anchored securely. If the anchors are fastened to the wood structure of the building, screw-type eye-bolts at least five-sixteenth inch (5/16") diameter shall be embedded into solid wood at least three (3) inches deep. All guywires extended to the ground shall be fastened to one and one-fourth (1-1/4") iron pipe driven at least three feet, six inches (3'6") into firm soil or clay or four inches by four inches (4" x 4") of pressure treated wood driven three feet, six inches (3'6") into firm soil or clay. A plate of iron three-eighths inches (3/8") thick and an area of at least one (1) square foot having a one-half inch (1/2") diameter rod fastened to masonry shall be by means of two (2), three-eighths inch (3/8") expansion bolts embedded at least four inches (4") into the masonry. Nails for fasteners or anchors are prohibited. Guywires shall be secured to anchors by served connections or served wrapped ends or with wire clamps.

(4) All antennae or masts shall be grounded by means of not less than no. six (6) gauge copper wire clamped to ground rod driven four feet (4') into earth or to cold water piping of the building wherever the contact is made within eight feet (8') of vertical line of antennae or masts. If the conditions of the earth are such that no moisture is obtained at four feet (4') depth then a hole shall be drilled or dug at least four feet (4') deep and after placing the grounding rod therein the hole shall be filled with wet charcoal. All grounding conductors shall be run in as straight a line as practicable from equipment to the grounding electrode or rod. Lightning arrestors or lead-ins are not to be considered the grounding of the antennae or masts.

(5) Whenever lead-in conductors of polyethylene ribbon-type are used, lightning arrestors shall be used on each lead-in conductor. Lightning arrestors shall be grounded similar to requirement of antennae or masts.

(6) No antenna or mast shall be fastened to a chimney unless the antenna or mast has sufficient guywires. Any fastening to a chimney or flue will be accepted only as a stabilizer for the base of the antenna or mast and not as

a brace. Any anchorage to a chimney or flue shall be made by a steel band of sixteen (16) gauge metal one (1) inch wide or any manufactured approved chimney clamp. The ends of the band shall be fastened by means of clamps or rivets. There shall be at least one hundred fifty (150) pounds of masonry above the clamp figured on a basis of six (6) pounds per brick in place.

(7) No anchorage for guywires shall be made to a cornice or projection of any building but shall be made to substantial framing of the building.

(8) No guywires shall be permitted to be fastened to any adjoining building without written consent of the owner or agent and occupant of the adjoining building. No guywire shall be permitted to be placed in the path of regular travel or to form a trap for anyone. (1986 Code, § 4-613)

12-614. Standards and their application for electrical controls.

No electric wiring for light, heat, or power shall be installed in a building or structure, nor shall an alteration or extension of an existing electric wiring system be made, except in conformity with the provisions of this chapter or any rules that may be adopted and promulgated by the building official as hereby provided for by this chapter.

No rule or regulation of the building official shall become effective until four weeks after notice of intention to adopt it has been given in the official paper of the town and until a public hearing on it has been held. The public hearing shall not be necessary unless a request has been made for the hearing during the period of publication. The rule must be drawn in its proposed form and open to public inspection at the time the notice to adopt is published.

Rules adopted and promulgated as herein provided shall have the same force and effect as provisions of this chapter.

Any rule may be amended or repealed by the same procedure prescribed for in the adoption of new rules.

In adopting rules for electrical control, the building official shall embody in them the most approved methods and practices for safety of life and property.

Except as may be provided otherwise in this chapter or in duly adopted rules, the requirements of the National Electrical Code shall be deemed to be such most approved methods and practices.¹

Except as may be provided otherwise in this chapter or in duly adopted rules, the materials, fittings, and devices enumerated in the "List of Inspected Electrical Appliances" of Underwriters' Laboratories, Inc., as revised from time to time, shall be acceptable and suitable for use under this chapter.

It shall be unlawful to install or use electric wiring except in conformity with the provisions of this chapter.

¹Municipal code reference

Electrical code: title 12, chapter 5.

It shall be unlawful to sue or permit the use of, or to supply current for, electric wiring for light, heat, or power in a building or structure, unless the required inspection and approval has been granted.

The building official may, in his discretion, give temporary permission for a reasonable time to supply and use current in part of an electric installation before the installation has been fully completed and the final approval granted.

The electric inspector is hereby granted authority to enter any building or premises for the purpose of inspecting electric wiring or appliances at any time within reasonable working hours. (1986 Code, § 4-614)

CHAPTER 7**GAS CODE¹****SECTION**

- 12-701. Title and definitions.
- 12-702. Purpose and scope.
- 12-703. Use of existing piping and appliances.
- 12-704. Bond and license.
- 12-705. Gas inspector and assistants.
- 12-706. Powers and duties of inspector.
- 12-707. Permits.
- 12-708. Inspections.
- 12-709. Certificates.
- 12-710. Fees.
- 12-711. Violations and penalties.
- 12-712. Nonliability.

12-701. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the town and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

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

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

(5) Certain appliances means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1986 Code, § 4-701)

12-702. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

¹Municipal code reference
Property maintenance: title 13.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,¹ 2000 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1986 Code, § 4-702, modified)

12-703. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1986 Code, § 4-703)

12-704. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until the person has secured a license as hereinafter provided, and has executed and delivered to the city recorder a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000), with corporate surety, conditioned for the faithful performance of all such work entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all work to be done during the year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises. All such work must be done, however, in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1986 Code, § 4-704)

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

12-705. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed by the board of mayor and aldermen and the compensation shall be determined at the time of appointment. (1986 Code, § 4-705)

12-706. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting it to the appropriate officials from time to time for their consideration. (1986 Code, § 4-706)

12-707. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

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

(3) Except when work in a public street or other public way is involved, the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1986 Code, § 4-707)

12-708. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before the piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of the piping. (1986 Code, § 4-708)

12-709. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that the work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1986 Code, § 4-709)

12-710. Fees. Fees shall be as set by the board of mayor and aldermen by resolution. (1986 Code, § 4-710)

12-711. Violations and penalties. Section 114 of the gas code is hereby deleted. Any person who violates or fails to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of the person may be revoked, or both fine and revocation of license may be imposed. (1986 Code, § 4-711)

12-712. Nonliability. This chapter shall not be construed as imposing upon the town any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the town, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1986 Code, § 4-712)

CHAPTER 8

HOUSING CODE

SECTION

- 12-801. Scope and application.
- 12-802. Definitions.
- 12-803. Minimum standards for lighting.
- 12-804. Minimum standards for ventilation.
- 12-805. Minimum standards for heating.
- 12-806. Minimum standards for basic equipment and facilities.
- 12-807. Basements.
- 12-808. Space requirements.
- 12-809. Egress.
- 12-810. Infestation.
- 12-811. Responsibilities of occupant.
- 12-812. Responsibilities of the owner.
- 12-813. Conditions of structure.
- 12-814. Minimum standards for rooming houses.
- 12-815. Enforcing officer.
- 12-816. Enforcement provisions.
- 12-817. Service of complaints or orders.
- 12-818. Enjoining enforcement of order.

12-801. Scope and application. (1) Every building used in whole or in part as a dwelling unit or as two or more dwelling units shall conform to the requirements of this chapter irrespective of the class to which the buildings may otherwise belong, and irrespective of when the buildings may have been constructed, altered, or repaired.

(2) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the requirements of §§ 12-803 through 12-813.

(3) If any dwelling unit fails to meet one or more of the minimum standards specifically stated in §§ 12-803 through 12-814 of this chapter, that dwelling unit shall be considered as unfit for human habitation in accordance with Tennessee Code Annotated, § 13-21-102, and subject to the enforcement sections of this chapter. (1986 Code, § 4-801)

12-802. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Approved" means constructed, installed, and maintained in accordance with the provisions of this chapter and other pertinent ordinances

of the Town of Rogersville, Tennessee, and with rules and regulations adopted pursuant thereto.

(2) "Basement" means a portion of a building located partly or wholly underground.

(3) "Dwelling" means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto and enjoyed therewith.

(4) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

(5) "Enforcing officer" means the officer or officers who are authorized by this chapter to exercise the powers prescribed herein.

(6) "Extermination" means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

(7) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(8) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets, or storage spaces.

(9) "Household" means all persons who occupy a dwelling unit (a person living alone or any group of persons sharing a dwelling unit is a household).

(10) "Infestation" means the presence, within or around a dwelling, or any insects, rodents, or other pests.

(11) "Inspector" means the person designated by the board of mayor and aldermen as the enforcing officer.

(12) "Multiple dwelling" means any dwelling containing more than two dwelling units.

(13) "Occupant" means any person over one (1) year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

(14) "Owner" means and includes a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(15) "Parties in interest" means all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and any who are in possession or control thereof--as agent of the owner, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

(16) "Plumbing" means and includes all of the following supplied facilities and equipment; gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

(17) "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure.

(18) "Public authority" means the housing authority of the Town of Rogersville or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning dwellings in the town.

(19) "Public hall" means any hall, corridor, or passageway not within the exclusive control of one family.

(20) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(21) "Rooming house" means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the occupant to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the occupant.

(22) "Rubbish" means all waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

(23) "Sewer system" means the sewer system operated by the Town of Rogersville.

(24) "Single unit dwelling" means a dwelling occupied by one family alone.

(25) "Supplied" means paid for, furnished, or provided by, or under the control of, the owner or operator or their agents or representatives or both.

(26) "Water closet" means a toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

(27) "Workmanlike state of maintenance and repair" means complying with all codes and ordinances pertaining to construction of buildings and installation of utilities.

(28) "Meaning of certain words." Whenever the words dwelling, dwelling units, rooming house, rooming unit, premises, are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." (1986 Code, § 4-802)

12-803. Minimum standards for lighting. (1) Where there is electric service connected to the dwellings, every habitable room in the dwelling shall contain at least two separate wall type electric outlets or one such outlet and one supplied ceiling type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the Rogersville electric code.

(2) Every habitable room shall have at least one window or skylight facing directly to the outside or other means of lighting which is approved as adequate by the inspector. The minimum total window area for every habitable room shall be ten (10) percent of the total floor area of the room; if the only window in a room is the skylight type, the minimum total window area shall be fifteen (15) percent of total floor area of the room, except where other means of artificial lighting are approved.

(3) Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times either by windows, skylights, or other adequate lighting system. Every public hall and stairway in a structure containing not more than four dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full time lighting.

(4) Every bathroom, laundry room, furnace room, and public hall shall contain at least one ceiling or wall type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the Rogersville Electric Code. (1986 Code, § 4-803)

12-804. Minimum standards for ventilation. (1) Every habitable room shall have at least one (1) window or skylight operating directly to the outdoors which can easily be opened, or such other device as will adequately ventilate the room. The minimum total openable window area in every habitable room shall be equal to one-half of the minimum total window area required in § 12-803(2) except where there is supplied some other device affording adequate ventilation and approved by the inspector.

(2) Every bathroom shall have ventilation equal to four square feet or such other device as will adequately ventilate the room which is approved by the inspector. (1986 Code, § 4-804)

12-805. Minimum standards for heating. (1) Every dwelling with a central heating plant shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least seventy degrees (70°) F at a distance of three (3) feet above floor level, when the outside temperature is zero degrees (0°) F.

(2) All gas-burning room heaters shall be vented to the outside air by a smoke-pipe or flue. Rubber tube or armoured rubber tube connections on all gas heating fixtures are prohibited. (1986 Code, § 4-805)

12-806. Minimum standards for basic equipment and facilities.

(1) Water supply. The owner shall provide a supply of running water safe for drinking piped into each dwelling unit, and an adequate supply of hot water for each kitchen sink, bathtub, shower, and lavatory.

(2) Sewerage. In every dwelling, plumbing fixtures shall be properly installed and connected to the water supply and sewer system in accordance with the Rogersville plumbing code and shall be maintained in good working order.

(3) Sanitary equipment. Every dwelling unit shall contain a sink, lavatory, water closet, and shower or bathtub.

(4) Sink. Every dwelling unit shall contain a kitchen sink therein, properly connected to the water supply and sewer system.

(5) Lavatory. Every dwelling unit shall contain therein, in a room affording privacy, complete bathroom facilities, properly connected to the water supply and sewer system.

(6) Water closets. Every dwelling unit shall have a flush type water closet located therein, in a room affording privacy, and properly connected to the water supply and sewer system. This water closet may be shared by two (2) dwelling units if:

(a) The habitable area of each of the dwelling units equals not more than two hundred fifty (250) square feet of floor area; and

(b) The fixtures are placed in a room used for toilet purposes only, and the room is accessible without passing through the other dwelling unit, or outside the dwelling; and

(c) If its facilities are kept in a sanitary condition.

(7) Hopper type water closets, water closets outside the dwelling and privies are hereby declared to be public nuisances and shall be eliminated upon notice after failure to maintain in a sanitary condition, but in any case not later than twenty-four(24) months after the effective date of this chapter.

(8) Every dwelling unit shall have at least one receptacle for the temporary deposit of garbage and at least one for rubbish which shall be made of non-absorbent material, water tight and shall be covered with a tight, closely fitting lid and cover with two outside handles, and shall not exceed twenty five (25) gallons capacity. (1986 Code, § 4-806)

12-807. Basements. Basement space may be used as a habitable room if:

(1) The windows are sufficiently above the lot's ground so as to allow the room to meet requirements of habitable rooms as to light and ventilation (§§ 12-803(2) and 12-804); and if

(2) The floors and walls below grade level of the lot are impervious to water and free from dampness at all times; and if

(3) The clear inner height is at least six (6) feet eight (8) inches, and no pipes or beams are below six (6) feet from floor level. (1986 Code, § 4-807)

12-808. Space requirements. The number of persons occupying any dwelling unit shall be limited by the following requirements (provided that adequate standard dwelling units are available for any persons displaced by enforcement of these requirements):

(1) Sleeping rooms. Every sleeping room for one occupant shall have at least 70 square feet of floor space, or if occupied by more than one person, at least 50 square feet per occupant.

(2) Size of dwelling unit. The total of all habitable rooms in a dwelling unit shall provide at least one hundred fifty (150) square feet of floor space for the first occupant and one hundred (100) square feet of floor space per additional occupant.

(3) Minimum height of habitable rooms. Every habitable room shall be not less than seven (7) feet in height from the floor to the ceiling throughout one-half the area of the room. Any portion of room having a ceiling height of less than five (5) feet shall not be considered in computing the total floor area for the room.

(4) No habitable room shall contain less than seventy (70) square feet of floor area, nor shall the least horizontal dimension of the room be less than seven (7) feet. (1986 Code, § 4-808)

12-809. Egress. Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level. All structures of three or more stories with a dwelling unit occupying the third or higher story shall be provided with two separate usable, unobstructed means of egress for each dwelling unit located above the second story. The exit facilities from such dwelling units shall lead to a public thoroughfare either directly or through a court or yard, and passage to the exists shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household. An escape hatch or scuttle to a flat roof for escape through adjoining buildings may be considered as a usable means of egress for the dwelling unit occupying the top floor. (1986 Code, § 4-809)

12-810. Infestation. (1) During that portion of each year extending from May 1 through September 30 and as protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be equipped with screens or other insect deterrents.

(2) Every basement window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be permanently equipped with screens or such other device as will effectively prevent their entrance.

(3) During the summer months, there shall be no standing pools of water which might provide a breeding place for mosquitoes.

(4) Dwellings should be free from rodents and other vermin at all times. Responsibility for extermination rests with the occupant or owner as set forth in §§ 12-811 (5) and 12-812(4). (1986 Code, § 4-810)

12-811. Responsibilities of occupant. The responsibilities of the occupant are as follows:

(1) To keep the dwelling and premises he controls and occupies in a clean and sanitary condition.

(2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulation.

(3) To hang and remove screens provided by the owner except where owner has agreed to supply those services.

(4) To keep plumbing fixtures in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

(5) To exterminate in the following cases:

(a) The occupant of a single unit dwelling is responsible for extermination of any insects, rodents, or other pests therein or on the premises.

(b) The occupant of a dwelling unit in a multiple dwelling structure is responsible for extermination of any insects, rodents, or other pests if his unit is the only unit infested.

Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a ratproof and reasonably insect proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein. (1986 Code, § 4-811)

12-812. Responsibilities of the owner. The responsibilities of the owner are as follows:

(1) To let no dwelling to anyone for occupancy unless it meets minimum standards set forth in §§ 12-803 through 12-813.

(2) To have the dwelling in a clean, sanitary, habitable condition, to free it from infestation before renting, and to repair and exterminate if needed to meet aforesaid requirements before offering for rent.

(3) To provide screen to be hung.

(4) To exterminate in the following cases:

(a) When infestation exists in two (2) or more units of a multiple dwelling structure.

(b) When infestation exists in shared or public areas of a multiple dwelling structure.

(c) When infestation exists in single dwelling unit of multiple dwelling structure or in single unit dwelling structure when infestation is due to failure of the owner to maintain the dwelling in a ratproof and reasonably insectproof condition.

(5) To provide a supply of running water safe for drinking into each dwelling unit. (1986 Code, § 4-812)

12-813. Conditions of structure. (1) All dwelling structures shall be reasonably watertight, weatherproof, rodent and insectproof, and in good repair.

(2) Every foundation, exterior wall, and roof shall be reasonably watertight, weathertight, and rodentproof; shall adequately support the building at all times; and shall be in a workman-like state of maintenance and repair.

(3) Every interior partition, wall, floor, and ceiling shall be reasonably tight, capable of affording privacy, and maintained in a workmanlike state of maintenance and repair and in a clean and sanitary condition.

(4) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained as not to cause dampness in the walls, ceilings, floors, or basement.

(5) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be maintained in sound condition and repair.

(6) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be maintained in sound condition and repair.

(7) Every toilet, bathroom, and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water and shall be kept in a clean and sanitary condition.

(8) Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition. (1986 Code, § 4-813)

12-814. Minimum standards for rooming houses. No person shall operate a rooming house or let to another for occupancy any room unless the rooming house or room complies with the following requirements:

(1) Every rooming house and room shall be in compliance with the minimum standards set forth in §§ 12-803, 12-804, 12-805, and 12-808 as to light, ventilation, heating, and space requirements.

(2) Every rooming house shall be equipped with at least one flush water closet, lavatory, and bathtub or shower for each eight persons or fraction thereof within the rooming house, including members of the family if they are

to share the use of the facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be properly connected to the water supply and sewer systems.

(3) Every flush water closet, flush urinal, lavatory, tub, or shower required above shall be located within the rooming house in a room, or rooms, which:

(a) Affords privacy;

(b) Is accessible by a common hall without going outside the rooming house;

(c) Is accessible from a common hall without going through sleeping quarters of others;

(d) Is not more than one (1) story removed from the room of an occupant intended to share the facilities.

(4) Where bedding, bed linen, or towels are supplied, the operator shall maintain the bedding in a clean and sanitary manner and shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to an occupant. (1986 Code, § 4-814)

12-815. Enforcing officer. (1) The recorder of the Town of Rogersville shall administer and enforce this chapter.

(2) **Powers of enforcing officer.** The enforcing officer shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(a) To investigate the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation;

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

(c) To enter upon premises for the purpose of making examinations, provided that such entries are made in such manner as to cause the least possible inconvenience to the persons in possession;

(d) To delegate any of his functions and powers under ordinance to such officers and agents as he may designate. Any such officers and agents shall be thoroughly qualified by training or experience for the job assigned and shall be approved by the mayor.

(3) The enforcing officer may extend the time periods for providing necessary equipment or making repairs or replacements if in his opinion the enforcement of the provisions of this chapter will cause undue hardship upon the persons involved. (1986 Code, § 4-815, as amended by Ord. #8-14-90-2, Oct. 1990)

12-816. Enforcement provisions. (1) When a petition is filed with the enforcing officer by a public authority or by at least five (5) residents of the town

charging that any dwelling is unfit for human habitation, or whenever it appears to the enforcing officer (on his own motion) that any dwelling is unfit for human habitation, the enforcing officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest of the dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the enforcing officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint. The notice shall state that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint and that the rules of evidence prevailing in courts of law and equity shall not be controlling in hearings before the enforcing officer.

(2) If, after such notice and hearing, the enforcing officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of the determination and shall issue and cause to be served upon the owner thereof an order

(a) Requiring the owner within the time specified in the order, to repair, alter, or improve the dwelling to render it fit for human habitation; if the repair, alteration, or improvement of the dwelling can be made at a reasonable cost, not in excess of five hundred (500) percent of the assessed valuation for tax purposes; or

(b) Requiring the owner, within the time specified in the order, to remove or demolish the dwelling provided that adequate standard dwelling units are available for any persons displaced by enforcement of these requirements; if the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost not in excess of five hundred (500) percent of its assessed valuation for tax purposes.

(3) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the enforcing officer may cause the dwelling to be repaired, altered, or improved, or to be vacated and closed; and the enforcing 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 habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(4) If the owner fails to comply with an order to remove or demolish the dwelling, the enforcing officer may cause the dwelling to be removed or demolished.

(5) The amount of the cost of such repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the enforcing officer shall, upon the filing of the notice with the officer of the register of deeds of the county in which the property lies 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

valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the municipality as a lien and shall be added to the property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public officer he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the enforcing 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; provided however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare a nuisance and to cause their removal or abatement by summary proceedings or otherwise. (1986 Code, § 4-816, as amended by Ord. #8-14-90-2, Oct. 1990)

12-817. Service of complaints or orders. Complaints or orders issued by the enforcing officer pursuant to the provisions of this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the enforcing officer in the exercise of reasonable diligence, and the enforcing officer makes an affidavit to that effect, then the serving of the complaint or order upon such persons may be made by publishing it once each week for two (2) consecutive weeks in a newspaper printed and published in the town. A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of the complaint or order shall also be filed for record in the register's office of the county in which the dwelling is located, and the filing of the complaint or order shall have the same force and effect as other lis pendens notice provided by law. (1986 Code, § 4-817)

12-818. Enjoining enforcement of order. (1) Any person affected by an order issued by the enforcing officer in the enforcement of the provisions of this chapter may file a bill in the chancery court for an injunction restraining the enforcing officer from carrying out the provisions of the order, and the court may, upon the filing of its bill issue a temporary injunction restraining the enforcing officer pending the final disposition of the cause if the bill is filed within sixty (60) days after the posting and service of the order of the enforcing officer. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(2) The court shall hear and determine the issues and shall enter such final order or decree as law and justice require. In all such proceedings the

findings of the enforcing officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein contained shall be exclusive remedies and no person affected by an order of the enforcing officer shall be entitled to recover any damages for action taken pursuant to any order of the enforcing officer, or because of noncompliance by such person with any order of the enforcing officer. (1986 Code, § 4-818)

CHAPTER 9**FAIR HOUSING CODE****SECTION**

- 12-901. Definitions.
- 12-902. Unlawful discriminatory acts.
- 12-903. Exception for certain religions.
- 12-904. Access to real estate services.
- 12-905. Educational and conciliatory activities.
- 12-906. Complaints and prosecutions of violations.
- 12-907. Exhaustion of remedies.

12-901. Definitions. Whenever used in this chapter, the following words and terms shall have the following meaning unless the context necessarily requires otherwise:

(1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers, and fiduciaries.

(4) "To rent" includes "to lease", "to sublease," "to let," and otherwise "to grant" for a consideration the right to occupy premises not owned by the occupant. (1986 Code, § 4-901)

12-902. Unlawful discriminatory acts. Subject to the exceptions hereinafter set out, it shall be unlawful for any person to do any of the following acts:

(1) To refuse to sell or rent after the making of a bonafide offer to do so or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, sex, religion, or national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services of facilities in connection therewith, because of race, color, sex, religion, or national origin.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, sex, religion, or national origin.

(4) To represent to any person because of race, color, sex, religion, or national origin that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, or national origin. (1986 Code, § 4-902)

12-903. Exception for certain religions. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in the religion is restricted on account of race, color, sex, or national origin. (1986 Code, § 4-903)

12-904. Access to real estate services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, sex, religion, or national origin. (1986 Code, § 4-904)

12-905. Educational and conciliatory activities. The human relations subcommittee of the citizen's advisory committee of Rogersville, is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purposes of this chapter. It may call a conference of persons in the housing industry and other interested parties to acquaint them with the provisions hereof and the committee's suggested means of implementing it. The subcommittee shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate city officials on matters of enforcement. The subcommittee may issue reports on such conferences and consultation as it deems appropriate. (1986 Code, § 4-905)

12-906. Complaints and prosecutions of violations. Any person who claims to have been injured by an act made unlawful by this chapter or who claims that he will be injured by such an act, may file a complaint with the chairman of the subcommittee. A complaint shall be filed within 180 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and be in such form as required by the human relations subcommittee. Upon receipt of a complaint, the subcommittee shall

promptly investigate it and shall complete its investigation within fifteen (15) days. If a majority of the human relations subcommittee finds reasonable cause to believe that a violation of the chapter has occurred, or if a person charged with violation of this chapter refused to furnish information to the subcommittee, the subcommittee may request the city attorney to prosecute an action in the recorder's court against the person charged in the complaint. The request shall be in writing.

Upon receiving the written request and with the assistance of the aggrieved person and the subcommittee, within fifteen days after receiving the request, the city attorney shall be prepared to prosecute an action in the recorder's court, provided a warrant is sworn out by the aggrieved person and served upon the person or persons charged with the offense. (1986 Code, § 4-906)

12-907. Exhaustion of remedies. Nothing in this chapter requires any person claiming to have been injured by an act made unlawful by this chapter to exhaust the remedies provided herein nor prevents any such person from seeking relief at any time under the Federal Civil Rights Acts or other applicable legal provisions. (1986 Code, § 4-907)

CHAPTER 10

MODEL ENERGY CODE

SECTION

12-1001. Model energy code adopted.

12-1002. Modifications.

12-1003. Available in recorder's office.

12-1004. Violations and penalty.

12-1001. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 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 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.

12-1002. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Rogersville. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

12-1003. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-1004. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. OVERGROWN AND DIRTY LOTS.
3. LANDSCAPING, TRIMMING AND REPAIRING OF TREES AND SHRUBBERY.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. House trailers.
- 13-103. Smoke, soot, cinders, etc.
- 13-104. Stagnant water.
- 13-105. Weeds.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. Junkyards.
- 13-109. Fluoridation of water supply.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1986 Code, § 8-101)

13-102. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1986 Code, § 8-104)

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.
 Refuse disposal: title 17.

13-103. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1986 Code, § 8-105)

13-104. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1986 Code, § 8-106)

13-105. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1986 Code, § 8-107)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1986 Code, § 8-108)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1986 Code, § 8-109)

13-108. Junkyards. All junk yards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junk yards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so it will be impossible for stray cats and/or stray dogs to have access to such junk yards.

(3) All such junk yards within one thousand (1,000) feet of any right-of-way within the town shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the right-of-way.

(4) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1986 Code, § 8-110)

13-109. Fluoridation of water supply. The addition of fluoride to the water supply of the town in accordance with the rules and regulations of the Tennessee Department of Public Health is hereby authorized and approved. (1986 Code, § 8-112)

CHAPTER 2

OVERGROWN AND DIRTY LOTS

SECTION

- 13-201. Nuisance declared.
- 13-202. Designation of public officer.
- 13-203. Notice to property owner.
- 13-204. Cleanup at property owner's expense.
- 13-205. Appeal.
- 13-206. Judicial review.
- 13-207. Supplemental nature of chapter.

13-201. Nuisance declared. It is declared to be a nuisance for any owner of record of real property to create, maintain or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals. Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property. (Ord. #8-14-90-1, Oct. 1990)

13-202. Designation of public officer. The city recorder is the public officer who shall enforce the provisions of this chapter. (Ord. #8-14-90-1, Oct. 1990)

13-203. Notice to property owner. It shall be the duty of the city recorder to serve upon the owner of record in violation of § 13-201 above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(1) A brief statement that the owner is maintaining a nuisance in violation of this chapter of the Rogersville Municipal Code, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of cleanup.

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

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

(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (Ord. #8-14-90-1, Oct. 1990)

13-204. Cleanup at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the city recorder shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the cost shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. (Ord. #8-14-90-1, Oct. 1990)

13-205. Appeal. The owner of record who is aggrieved by the determination and order of the city recorder may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to § 13-203 above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing. (Ord. #8-14-90-1, Oct. 1990)

13-206. Judicial review. Any person aggrieved by an order or act of the city recorder or of the board of mayor and aldermen under this chapter may seek judicial review of the ordinance or act. The time period established in § 13-203 above shall be stayed during the pendency of judicial review. (Ord. #8-14-90-1, Oct. 1990)

13-207. Supplemental nature of chapter. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds,

underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements. (Ord. #8-14-90-1, Oct. 1990)

CHAPTER 3

LANDSCAPING, TRIMMING AND REPAIRING OF TREES AND SHRUBBERY

SECTION

13-301. Persons engaged in business of landscaping or trimming, repairing, etc., of trees and shrubbery.

13-302. Permit required--fee duration, etc.

13-303. Disposal of limbs, etc.

13-304. Violations.

13-301. Persons engaged in business of landscaping or trimming, repairing, etc., of trees and shrubbery. No person shall perform any service of economic gain wherein trees or shrubbery are cut, trimmed, removed or altered, and wherein an accumulation of brush, wood, vines, debris or other refuse attendant to landscaping as a result of such work or service without being equipped with a truck or other vehicle capable of removing said brush, wood, vines, debris or other refuse which shall be so removed by the person causing or creating its accumulation. (Ord. #12-11-01-1, Feb. 2002)

13-302. Permit required--fee, duration ,etc. No person, firm, or corporation shall perform the services as provided in § 13-301 without first filing an application with the recorder on a form provided by the municipality and paying the sum of ten dollars (\$10.00) for a permit to engage in said occupation, which permit shall be for a period of one (1) year and shall be renewable annually on the anniversary date of the permit. In addition, a returnable deposit shall be made with the recorder in the amount of fifty dollars (\$50.00) to insure the removal of all trees as required in this section. (Ord. #12-11-01-1, Feb. 2002)

13-303. Disposal of limbs, etc. Any person, firm or corporation cutting or trimming trees for compensation within the corporate limits of Rogersville shall remove all cuttings, limbs, laps, and debris resulting from said work and deposit such in an appropriate manner outside corporate limits in a location acceptable pursuant to applicable law. (Ord. #12-11-01-1, Feb. 2002)

13-304. Violations. Any violation of this chapter shall incur a civil penalty and/or fine of up to fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. #12-11-01-1, Feb. 2002)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

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

- 14-101. Membership.
- 14-102. Organization, rules, staff, and finances.
- 14-103. Powers and duties.

14-101. Membership. The municipal planning commission shall consist of five (5) members. One of the members shall be the mayor of Rogersville. One shall be a member of the board of mayor and aldermen, selected by the board, and the three (3) remaining members shall be citizens appointed by the mayor. The terms of the three appointive members shall be for three years, except that in the appointment of the first municipal planning commission under the terms of this chapter, one of the three members shall be appointed for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointive member at his pleasure. The term of the member selected from the board of mayor and aldermen shall run concurrently with his membership on the board. All members shall serve without compensation. (1986 Code, § 11-101)

14-102. Organization, rules, staff, and finances. The municipal planning commission shall elect its chairman from among its appointive members. The term of chairman shall be one year with eligibility for re-election. The commission shall adopt rules for the transactions, findings, and determinations which shall be public record. 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 board of mayor and aldermen. (1986 Code, § 11-102)

14-103. Powers and duties. From and after the time when the municipal planning commission has organized and selected its officers, together

with the adoption of its rules of procedure, then the commission shall have all the applicable powers, duties, and responsibilities as set forth in Title 13 of the Tennessee Code Annotated. (1986 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE¹

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 Town of Rogersville shall be governed by Ordinance #1-71-129, titled "Zoning Ordinance, Rogersville, Tennessee," and any amendments thereto, and is included as Appendix 1 of this municipal code.²

¹Municipal code reference
Zoning ordinance: appendix A.

²Amendments to the zoning map are of record in the office of the recorder.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. NOISE ABATEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless the 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. (1986 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1986 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1986 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1986 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when

overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1986 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1986 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1986 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1986 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,¹ and shall be uniform as to type and location throughout the city. (1986 Code, § 9-114, modified)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles

¹For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

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. (1986 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc.

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1986 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions. Such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1986 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1986 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1986 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1986 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1986 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle extends beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in a position as to be clearly visible from the rear of the vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1986 Code, § 9-123)

15-118. Causing unnecessary noise.¹ 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. (1986 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1986 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and

¹Municipal code reference

Noise abatement: title 15, chapter 8.

unobstructed to enable him to make the movement in safety. (1986 Code, § 9-126)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1986 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1986 Code, § 9-127)

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. (1986 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1986 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1986 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fire fighter or police officer. (1986 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1986 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1986 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. Speed limits enacted pursuant to this paragraph shall not apply at school entrances and exists to and from controlled access highways on the system of state highways.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who drives 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. (1986 Code, § 9-203, modified)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the town. (1986 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1986 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1986 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1986 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1986 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1986 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5**STOPPING AND YIELDING****SECTION**

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1986 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1986 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of the 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. (1986 Code, § 9-403)

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

nearest rail of the railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1986 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1986 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1986 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(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 shall not enter the roadway.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no

crosswalk, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, the turn shall not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing the signal shall not enter the roadway.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1986 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if there is no crosswalk at an intersection or at a limit line when marked, or if there is no limit line, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past the 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. (1986 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1986 Code, § 9-409)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. 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 the vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within the town shall be parked so that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting it, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while the vehicle is parked on a public street. (1986 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1986 Code, § 9-502)

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 the space or protrudes beyond the official markings on the street or curb designating the space unless the vehicle is too large to be parked within a single designated space. (1986 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen (15) feet thereof;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within fifty (50) feet of a railroad crossing;
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance;
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (10) Upon any bridge;
- (11) Alongside any curb painted yellow or red by the town;
- (12) In any area designated by a sign or printing to be a "fire lane" or "emergency lane." (1986 Code, § 9-504, as amended by Ord. #11-14-95-1, Dec. 1995)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1986 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1986 Code, § 9-506)

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.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the recorder's 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 the person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1986 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1986 Code, § 9-602)

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 the 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 the vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

For parking violations the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court, but the fines shall be three dollars (\$3.00) within ten (10) days and five dollars (\$5.00) thereafter. (1996 code, § 9-603)

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1986 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1986 Code, § 9-605)

CHAPTER 8

NOISE ABATEMENT

SECTION

- 15-801. Title.
- 15-802. Declaration of necessity.
- 15-803. Motor vehicle noise.
- 15-804. Definitions.
- 15-805. Vehicle noises specifically prohibited.
- 15-806. Measurement of noise.
- 15-807. Certification of officers.
- 15-808. Exceptions and exclusions.
- 15-809. Enforcement.

15-801. Title. This chapter shall be known and may be cited as the Rogersville Motor Vehicle Noise Abatement Ordinance of 1981. (1986 Code, § 9-701)

15-802. Declaration of necessity. It is found and declared that:

(1) The making and creation of excessive, unnecessary, or unusually loud noises by motor vehicles within the limits of the Town of Rogersville is a condition which has existed for some time and the level and intensity of such noises are increasing.

(2) The making and creation of such excessive noises are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the Town of Rogersville.

(3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy; and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare, and repose of the Town of Rogersville and its inhabitants. (1986 Code, § 9-702)

15-803. Motor vehicle noise. It shall be unlawful, except as expressly permitted herein, for any person to operate a motor vehicle so as to make, cause, or allow the making of any noise or sound upon any street, highway, or public parking area, or upon any private parking area within the boundaries of the Town of Rogersville, Tennessee, which exceeds the limits set forth in this chapter. (1986 Code, § 9-703)

15-804. Definitions. The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings

respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) "Authorized emergency vehicle." Vehicles of the fire department, police vehicles, and other emergency vehicles of municipal departments or public service corporations as designated or authorized by the director of public safety.

(2) "Certified officer." Every police officer as hereinabove defined who is certified by the director of public safety, pursuant to regulations enacted by such director as hereinafter provided, as competent to operate a sound level meter as hereinafter defined and to issue summonses as provided in this chapter.

(3) "Decibel (dB)." A division of a logarithmic scale used to express the ratio of two like quantities proportional to power or energy. The ratio is expressed in decibels by multiplying its common logarithm by ten.

(4) "Gross combination weight rating (GCWR)." The value specified by the manufacturer as the loaded weight of a combination vehicle.

(5) "Gross vehicle weight rating (GVWR)." The value specified by the manufacturer as the loaded weight of a single vehicle.

(6) "Motorboat." Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

(7) "Motorcycle." Any 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, but excluding a tractor.

(8) "Motor vehicle." Every vehicle, as herein defined, which is self-propelled.

(9) "Operate." To be in actual physical control of a vehicle.

(10) "Operator." Any person who is in actual physical control of a vehicle.

(11) "Noise." One of a group of loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear.

(12) "Noise level." As referenced in this chapter, the sound pressure level as measured in dbA, unless otherwise specified.

(13) "Person." Any individual, natural person, public or private corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally.

(14) "Police officer." Every officer of the municipal police department or any officer authorized to direct or regulate traffic or make arrest for violations of traffic regulations.

(15) "Sanctioned function." Any function, including by way of example and not by way of limitation, a parade, the conduct of which is authorized or permitted within the boundaries of the Town of Rogersville, Tennessee, pursuant to written authorization or permission obtained from the appropriate officials of the Town of Rogersville.

(16) "Sound level meter." An instrument to measure the sound pressure level of relatively continuous and broad band noises. The sound level meter

used to determine compliance with this chapter shall meet or exceed the requirements for Type 2 sound level meters in accordance with the American National Standards Institute (ANSI) Standards S1.4.

(17) "Sound pressure level." The squared ratio expressed in decibels, of the sound pressure under consideration to the standard reference pressure of 0.0002 dyne/cm². The ration is squared because pressure squared, and not pressure, is proportional to energy.

(18) "Town street or highway." Every way set apart for public travel, except foot paths.

(19) "Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (1986 Code, § 9-704)

15-805. Vehicle noises specifically prohibited. (1) No person shall operate or permit to be operated a motor vehicle without a muffling device at least as effective as that installed as original equipment by the manufacturer.

(2) No person shall operate or permit to be operated a vehicle at any time under any condition of roadway grade, load, acceleration, or deceleration in such a manner as to generate a sound level in excess of the following limits, when measured at a distance of at least twenty-five (25) feet from a noise source located within the applicable street, highway, or parking area:

(a) For any motor vehicle with a GVWR or GCWR of 10,000 pounds or more to be subject to the standards authorized by 42 USC § 4917 and specified in 40 CFR 202.10, et seq., the limits specified in that regulation, as the same may be amended from time to time by the Federal Highway Administration.

(b) For any motorcycle as hereinabove defined, 85dbA.

(c) For any other motor vehicle not included in subsection (a) above, 80dbA.

(3) The sounding of any horn or signaling device, except as a danger warning, is prohibited. (1986 Code, § 9-705)

15-806. Measurement of noise. The measurement of sound or noise shall be made with a sound level meter as hereinafter defined. Such meter shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded on the meter shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used at all times. Sound level meter settings shall be for fast response. (1986 Code, § 9-706)

15-807. Certification of officers. The chief of police is hereby authorized and directed to enact standards and procedures by which police officers may be certified to operate the sound level meters and to measure vehicle and motorboat noise as herein provided, and to certify officers who may from time to time qualify under such standards as competent to undertake the enforcement of this chapter. The chief of police may amend the testing procedures from time to time when deemed necessary to adjust to advances in technology, and may enact separate procedures for certification as to vehicular noise and as to motorboat noise. A true and exact copy of these procedures certified as such by the chief of police, together with a complete list of all certified officers, also certified, shall be maintained at all times in the office of the city recorder for inspection and copying by members of the general public. (1986 Code, § 9-707)

15-808. Exceptions and exclusions. The prohibitions of this chapter shall not apply to any of the following:

(1) The operation of warning or emergency signal devices such as horns, sirens, and bells when utilized for their intended purpose.

(2) The operation of any authorized emergency vehicle as hereinabove defined.

(3) The operation of any motor vehicle within the course and scope of any sanctioned function as hereinabove defined, if a permit for the operation of the motor vehicle during the course of the sanctioned function is first obtained from the office of the city recorder for the operation of the motor vehicle, as a part of the sanctioned function. The permits contemplated by this subsection may be issued in such form as the city recorder may from time to time prescribe, but the form shall in any event specify the following:

(a) The sanctioned function pursuant to which the permit is issued,

(b) The name of the person to whom the permit is issued,

(c) A description of the motor vehicle to be exempted from this chapter during the course of the function.

(d) The name(s) of the operator(s) thereof,

(e) The date(s) of the function, and

(f) The duration, expressed in hours, of the permit. (1986 Code, § 9-708)

15-809. Enforcement. (1) Any certified officer of the Town of Rogersville who had determined, by use of a sound meter test as hereinabove provided, that the prohibitions of this chapter have been violated shall issue a summons to the operator of the vehicle in question, requiring him to appear before the municipal judge, as in the case of other offenses against the town, at a date and time certain to answer the charge. The officer in each case shall inform the operator to be charged with the offense that

(a) The operator has the option of first appearing at a place and time designated by the officer prior to the date the operator is to appear in court for a second noise meter test of the vehicle in question; and

(b) If the operator elects to schedule a second test, but fails to appear with the vehicle at the scheduled time and place, then he will be conclusively presumed to have committed the violation alleged in the summons. The fact that the operator has been so informed as above specified, together with his acceptance or rejection of the second test option shall appear upon the face of all copies of the summons, together with the date, time, and place the second test, if any, is scheduled. No test shall be scheduled to take place less than seventy two (72) hours following the date and time of the issuance of the summons. If the operator fails to appear for the scheduled test, then the testing officer shall note the failure to appear on the reverse side of the original summons and transmit the summons to the court. Failure to appear shall create a conclusive presumption that the operator was in violation of this chapter at the date and time the summons was originally issued; and all copies of the summons shall contain, at the time of issuance, a written statement, on the face thereof or appended thereto, setting forth the presumption. If the operator appears with the vehicle for the second test as set forth above, then the testing officer shall conduct a sound level meter test of the vehicle as herein provided, and shall note the results of the test, together with any other comments the officer may have, on the reverse side of the original summons. Such comments may include, if appropriate, a recommendation that bond be reduced. The summons shall then be transmitted to the court as in other cases, and the results of the second test, together with the officer's comments, shall be evidence at the hearing.

(2) Any certified officer having probable cause to believe that a violation of this chapter has been committed in his presence, regardless of whether a sound meter test was used to determine the violation, shall likewise issue a summons to the operator of the vehicle in question, requiring the operator to appear and answer the charge. In cases where the summons is issued without a sound meter test as herein provided, the officer shall require the operator to first appear at a designated time and place not less than seventy two (72) hours following the date and time of the issuance of the summons, for a soundmeter test of the vehicle in question. Such cases shall otherwise proceed in the same manner as cases under subsection (1) above, wherein the summons is first issued pursuant to sound meter tests; and the presumption of violation arising from failure to appear for the designated test shall likewise apply.

(3) The authority to issue summonses for violations of subsections (1) and (3) of § 15-805 pertaining to the operation of motor vehicles without a muffling device, and the sounding of any horn or signaling device except as a danger warning shall not be confined to certified officers as herein defined; but

any police officer of the Town of Rogersville is hereby empowered to issue summonses for violations of those subsections. (1986 Code, § 9-709)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. UNIFORM SYSTEM OF PUBLIC STREETS.
4. TRUCK ROUTES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall obstruct any street, alley or sidewalk so as to inhibit or prevent the orderly flow of vehicular or pedestrian traffic thereon or to otherwise impede the flow of vehicular or pedestrian traffic thereon, in any manner whatsoever, including, but not limited to, the use of motor vehicles parked or stopped upon said public street or by using or occupying any portion of any public street, alley, sidewalk or right-of-way for the purpose of storing, selling or exhibiting any goods, wares, merchandise or materials. (Ord. #6-8-04-1, July 2004)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

feet or over any sidewalk at a height of less than eight (8) feet. (1986 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1986 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1986 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1986 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1986 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1986 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1986 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to

¹Municipal code reference
Building code: title 12, chapter 1.

remove all accumulated snow and ice from the abutting sidewalk. (1986 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless the activity will not unreasonably interfere with traffic and unless the representative agrees to see to the immediate cleaning up of all litter which is left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1986 Code, § 12-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1986 Code, § 12-112)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1986 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1986 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1986 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1986 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder deems adequate to cover the costs to the town if the applicant fails to make proper restoration. (1986 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1986 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for promptly upon completion by the person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others

that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing it to the person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1986 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. The insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1986 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores the surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1986 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1986 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in

width at its outer or street edge shall be provided. Driveway aprons shall not extend into the street. (1986 Code, § 12-210)

CHAPTER 3**UNIFORM SYSTEM OF PUBLIC STREETS****SECTION**

16-301. Adoption of uniform street system map.

16-302. Streets acceptable for improvement.

16-303. Installation of street signs.

16-301. Adoption of uniform street system map. A simplified uniform system of street names as shown on the map identified by the title, Rogersville, Tennessee, Street Names, dated June, 1946, which is filed in the office of the recorder, is hereby adopted for use in the Town of Rogersville. This map and all explanatory matter thereon is hereby adopted and made a part of this section. (1986 Code, § 12-301)

16-302. Streets acceptable for improvement. No street within the corporation limits of Rogersville shall be considered acceptable for improvement by the Town of Rogersville unless it now appears or is caused to appear upon the street map of Rogersville. (1986 Code, § 12-302)

16-303. Installation of street signs. It shall be the duty of the superintendent of streets to install street signs to design and specifications approved by the board of mayor and aldermen and with such money as is appropriated for this purpose. (1986 Code, § 12-303)

CHAPTER 4

TRUCK ROUTES

SECTION

- 16-401. Definitions.
- 16-402. Application of regulation.
- 16-403. Truck routes established.
- 16-404. Designated streets for truck use.
- 16-405. Truck traffic in the town.
- 16-406. Central business district.
- 16-407. Enforcement.
- 16-408. Penalties.

16-401. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Rogersville.
- (2) "Deviating truck" is a truck which leaves and departs from a truck route while traveling inside the city.
- (3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (4) "Truck" is any vehicle designed or operated for the transportation of property, and whose body weight or whose combined body or load weight exceeds 15,000 pounds or has two (2) axles.
- (5) "Truck route" is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the town must operate. (Ord. #12-11-01-2, March 2002)

16-402. Application of regulation. All trucks within the town shall be operated only over and along the truck routes herein established and on the other designated street over which truck travel is permitted.

- (1) Exceptions. This chapter shall not prohibit:
 - (a) Operation on street of destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided street upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
 - (b) Emergency vehicles. The operation of emergency vehicles upon any street in the town.
 - (c) Public utilities. The operation of trucks owned or operated by the town, public utilities, any contractor or material man, while

engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the town.

(d) Detoured trucks. The operation of trucks upon any officially established detour upon the street for which such detour is established. (Ord. #12-11-01-2, March 2002)

16-403. Truck routes established. There is hereby established within the town the following "truck routes":

(1) Outside origin; outside destination. All trucks entering the town for destination points outside the town shall operate only over the following designated routes: Highway 11W, Highway 66 and Highway 70. (Ord. #12-11-01-2, March 2002)

16-404. Designated streets for the truck use. In addition to those streets in the town constituting a part of a truck route as established herein, the following streets, and no others, shall be used for truck traffic: Main Street, Broadway and Depot Street. (Ord. #12-11-01-2, March 2002)

16-405. Truck traffic in the town. (1) Outside origin. (a) One inside destination point. All trucks entering the town for a destination point in the town shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(b) Multiple inside destination points. All trucks entering the town for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the shortest direction and only over streets upon which traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(2) Inside origin. (a) Outside destination point. All trucks, on a trip originating in the town, and traveling in the town for a destination point outside the town shall proceed by the shortest direction over streets on which such traffic is permitted to a truck route as herein established.

(b) Outside destination points. All trucks, on a trip originating in the town, and traveling in the town for destination points in the town shall proceed only over streets upon which such traffic is permitted. (Ord. #12-11-01-2, March 2002)

16-406. Central business district. Trucks shall not be operated upon any of the following streets in the central business district between the hours of 9:00 A.M. and 6:00 A.M: Main Street, Depot Street and Broadway. (Ord. #12-11-01-2, March 2002)

16-407. Enforcement. (1) Clerk maintains maps. The city recorder shall keep and maintain accurate maps setting out truck routes and streets upon which traffic is permitted; and maps shall be kept on file in the office of the city recorder and shall be available to the public.

(2) Chief of police maintains signs. The chief of police of the town shall cause all truck routes and those streets upon which traffic is prohibited to be clearly sign-posted to give notice that this chapter is in effect.

(a) Failure to post. No person shall be charged with violating the provisions of this chapter by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on such street.

(3) Weigh-in. The chief of police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this chapter has been complied with. (Ord. #12-11-01-2, March 2002)

16-408. Penalties. Each violation of the provisions herein shall result in a fine not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. #12-11-01-2, March 2002)

TITLE 17**REFUSE AND TRASH DISPOSAL**¹**CHAPTER****1. REFUSE.****CHAPTER 1****REFUSE****SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1986 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1986 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall

¹Municipal code reference

Property maintenance regulations: title 13.

not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until the refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1986 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1986 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1986 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1986 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1986 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1986 Code, § 8-208)

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. SEWERS.
2. SEWAGE AND HUMAN EXCRETA DISPOSAL.
3. USER CHARGE SYSTEM.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. WATER SHORTAGE ORDINANCE.

CHAPTER 1**SEWERS****SECTION**

- 18-101. Purpose and policy.
- 18-102. Definitions.
- 18-103. Abbreviations.
- 18-104. General discharge prohibitions.
- 18-105. Federal categorical pretreatment standards.
- 18-106. Modification of federal categorical pretreatment standards.
- 18-107. Specific pollutant limitations.
- 18-108. State requirements.
- 18-109. Town's right of revision.
- 18-110. Excessive discharge.
- 18-111. Slug discharges.
- 18-112. Discharge of hazardous wastes.
- 18-113. Charges and fees.
- 18-114. Wastewater dischargers.
- 18-115. Wastewater contribution permits.
- 18-116. Reporting requirements for permittee.
- 18-117. Monitoring facilities.
- 18-118. Inspection and sampling.
- 18-119. Pretreatment.
- 18-120. Confidential information.
- 18-121. Private sewage disposal.
- 18-122. Regulation of holding tank waste disposal.
- 18-123. Wastewater pretreatment devices for commercial or industrial users.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

18-124. Building sewers and connections.

18-125. Enforcement.

18-126. Penalty and costs.

18-101. Purpose and policy. This chapter sets forth uniform requirements for the users of the wastewater collection and treatment system for the Town of Rogersville, Tennessee, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of Rogersville, and to the persons outside the town who are, by contract or agreement with the town, users of the Town of Rogersville's POTW. Except as otherwise provided herein, the superintendent of the water and sewer department for the Town of Rogersville shall administer, implement, and enforce the provisions of this chapter. (Ord. #2-11-97-2, April 1997)

18-102. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "The Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(2) "Administrator." An authorized representative empowered to manage, implement and enforce business or public affairs.

(3) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(4) "Authorized representative of user." An authorized representative of a user may be:

(a) A principal executive officer of at least the level of vice-president, if the user is a corporation;

(b) A general partner or proprietor if the user is a partnership or proprietorship, respectively;

(c) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(5) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).

(6) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(7) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(8) "Category I user." A commercial or industrial discharger of wastewater into the Town of Rogersville wastewater collection system that is required by the sewer use ordinance, or other ordinance or regulation of the Town of Rogersville, to install and maintain a gravity-type separator, interceptor, or other such device for the removal of oil, grease, sand, grit, glass, entrails, or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewerage system or the WWTP. Such user shall maintain records of:

(a) The maintenance of their pretreatment system, and

(b) The disposal of material removed from the wastewater stream.

(9) "Category II user." A commercial or industrial discharger of wastewater into the Town of Rogersville wastewater collection system that is required by the sewer use ordinance, or other ordinance or regulation of the Town of Rogersville, to install and maintain a basket-type or bar-type separator/interceptor for the removal of strings, buttons, rags, glass, or other solids likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewerage system or the WWTP.

(10) "Compatible pollutant." Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria; plus any additional pollutants in the publicly-owned treatment works is designed to treat, and in fact, does remove or reduce such pollutants to the degree required by the POTW's NPDES permit.

(11) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(12) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Environmental Protection Agency," or "EPA." The U.S. Environmental Protection Agency.

(14) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(15) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(16) "Incompatible pollutant." All pollutants other than "compatible pollutants" as defined in subsection (7).

(17) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(18) "Industrial user." A commercial or industrial discharger of wastewater into the Town of Rogersville wastewater collection system that is required by the sewer use ordinance or other ordinance or regulation of the Town of Rogersville, the Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency to be issued an industrial user permit regulating their discharge to the WWTP. Such users may be customers of the Town of Rogersville or any other utility discharging into the WWTP. Such users may or may not be required to install sewerage pretreatment facilities but are subject to periodic monitoring and/or inspection. 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).

(19) "Interference." The inhibition or disruption of the POTW treatment processes or operations of which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the solid waste disposal act (SWDA), the clean air act, the toxic substances control act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(20) "National categorical pretreatment standard" or "pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA, in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users.

(21) "National prohibitive discharge standard" or "prohibitive discharge standard." Any regulation developed under the authority of section 307(b) of the Act and 40 CFR, section 403.5.

(22) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(23) "National Pollution Discharge Elimination System" or "NPDES Permit." A permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. 1342).

(24) "Person." Any individual, partnership, copartnership, 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, the singular shall include the plural where indicated by the context.

(25) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(26) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(27) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(28) "Pretreatment" or "treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes, or by other means, except as prohibited by 40 CFR section 403.6(d).

(29) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(30) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey

wastewaters to the POTW from persons outside the Town of Rogersville who are, by contract or agreement with the Town of Rogersville, users of the town's POTW.

(31) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(32) "Shall" is mandatory; "may" is permissive.

(33) "Significant industrial user." Any industrial user of the town's wastewater disposal system who

(a) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or

(b) Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW; or

(c) Contributes five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(d) Is designated as such by the town on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(34) "Significant non-compliance." (a) Chronic violation of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six (6) month period exceed the daily maximum or the average limit for the same pollutant parameter;

(b) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceeding the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the town determines has caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW 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 POTW's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in the discharge permit or an enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the 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 non-compliance;

(h) Any other violation or group of violations which the town determines will adversely affect the operation or implementation of the local pretreatment program.

(35) "Slug discharge." Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge.

(36) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum,

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

(d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(37) "State." State of Tennessee.

(38) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(39) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(40) "Superintendent." The person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(41) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

(42) "Town." The Town of Rogersville, Tennessee.

(43) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(44) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several wastewater portions during a 24-hour period in

which the portions are proportional to the flow and combined to form a representative sample.

(45) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(46) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water, that may be present whether treated or untreated, which is contributed into or permitted to enter the POTW.

(47) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies, or artificial public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(48) "Wastewater contribution permit." As set forth in § 18-122 of this chapter. (Ord. #2-11-97-2, April 1997)

18-103. Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical oxygen demand
- (2) CFR - Code of Federal Regulations
- (3) COD - Chemical oxygen demand
- (4) EPA - Environmental Protection Agency
- (5) l - Liter
- (6) mg - Milligrams
- (7) mg/l - Milligrams per liter
- (8) NPDES - National Pollutant Discharge Elimination System
- (9) POTW - Publicly-owned treatment works
- (10) SIC - Standard industrial classification
- (11) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (12) TSS - Total Suspended Solids.
- (13) USC - United States Code. (Ord. #2-11-97-2, April 1997)

18-104. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings of an explosion hazard meter, at the point of discharge into the system

(or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, waste streams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21, and any other substances which the town, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0 or higher than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations 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.

(7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(8) Any wastewater causing discoloration of the POTW 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.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 60°C (140°F) or causes the influent to the wastewater treatment plant to exceed 40°C (104°F).

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Town of Rogersville in compliance with applicable state or federal regulations.

(12) Any wastewater which causes a hazard to human life or creates a public nuisance.

(13) Any stormwater (flow occurring during or following any form of natural precipitation and resulting therefrom), surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Department of Environment and Conservation. Uncontaminated industrial cooling waters may be discharged on approval of the Tennessee Department of Environment and Conservation to a storm sewer or natural outlet.

(14) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(15) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

When the superintendent determines that a user(s) is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent shall:

(a) Advise the user(s) of the impact of the contribution on the POTW; and

(b) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW. (Ord. #2-11-97-2, April 1997)

18-105. Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular

industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The affected user shall come into compliance with the limitations within three (3) years following promulgation of the standard. (Ord. #2-11-97-2, April 1997)

18-106. Modification of federal categorical pretreatment standards. Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in section 403.7(c) (2) of Title 40 of the Code of Federal Regulations, part 403 -- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The town may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained. (Ord. #2-11-97-2, April 1997)

18-107. Specific pollutant limitations. No person or user shall discharge wastewater to the POTW which exceeds the following standards. Dilution of any wastewater discharge for the purpose of meeting these standards shall be considered in violation of this chapter.

<u>Pollutant</u>	<u>Daily Average Maximum Concentration (mg/l) (24-hour Composite)</u>	<u>Instantaneous Maximum Concentration (mg/l) (Grab Sample)</u>
Arsenic	0.150	0.300
Copper	0.500	1.000
Chromium, Total	0.480	0.960
Nickel	0.360	0.720
Cadmium	0.050	0.100
Lead	0.440	0.880
Mercury	0.015	0.030
Molybdenum	0.200	0.400
Selenium	0.200	0.400
Silver	0.300	0.600
Zinc	1.680	3.360

Cyanide	Not Applicable	2.320
Toluene	Not Applicable	1.000
Benzene	Not Applicable	0.200
1,1,1 Trichloroethane	Not Applicable	0.400
Ethylbenzene	Not Applicable	0.400
Carbon Tetrachloride	Not Applicable	1.000
Chloroform	Not Applicable	1.000
Tetrachloroethylene	Not Applicable	1.000
Trichloroethylene	Not Applicable	1.000
1,2 trans Dichloroethylene	Not Applicable	0.200
Methylene Chloride	Not Applicable	1.000
Phenols, Total	Not Applicable	1.600
Naphthalene	0.150	0.300
Phthalates, Total*	0.500	1.000
MBAS	14.000	20.000

*Total Phthalates are the sum of:

Bis (2-ethylhexy) phthalate

Butyl benzylphthalate

Di-n-butylphthalate

Diethyl phthalate

No person or user shall discharge any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the maximum concentration limits as follows:

<u>Pollutant</u>	<u>Maximum Concentration (mg/l)¹</u>
Arsenic	0.008
Copper	0.120
Chromium, Total	0.130
Nickel	0.040
Cadmium	0.006
Lead	0.070
Mercury	0.001
Molybdenum	0.010
Selenium	0.010
Silver	0.025
Zinc	0.500

¹Samples shall be 24 hour composite except for cyanide, total phenols and volatile organics samples which shall be grab samples.

Cyanide	0.500
Toluene	0.200
Benzene	0.020
1,1,1 Trichloroethane	0.080
Ethylbenzene	0.030
Carbon Tetrachloride	0.030
Chloroform	0.300
Tetrachloroethylene	0.100
Trichloroethylene	0.100
1,2 trans Dichloroethylene	0.007
Methylene Chloride	0.100
Phenols, Total	0.030
Naphthalene	0.008
Phthalates, Total*	0.350
MBAS	10.000

*Total Phthalates are the sum of:

Bis (2-ethylhexy) phthalate

Butyl benzylphthalate

Di-n-butylphthalate

Diethyl phthalate

(Ord. #2-11-97-2, April 1997)

18-108. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (Ord. #2-11-97-2, April 1997)

18-109. Town's right of revision. The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-101 of this chapter. (Ord. #2-11-97-2, April 1997)

18-110. Excessive discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state. (Ord. #2-11-97-2, April 1997)

18-111. Slug discharges. (1) Each industrial user shall provide protection from slug discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review, and shall be approved by the town before construction of the facility. All existing

users shall complete such a plan within one hundred eighty (180) days from the effective date of the ordinance comprising this chapter. No user who commences contribution to the POTW after the effective date of the ordinance comprising this chapter shall be permitted to introduce pollutants into the system until slug discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of a slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of this incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Written notice. Within five (5) days following a slug discharge, the user shall submit to the superintendent a detailed written report describing the cause 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 may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(3) 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 slug discharge. Employers shall insure that all employees who may cause or suffer such a slug discharge to occur are advised of the emergency notification procedures. (Ord. #2-11-97-2, April 1997)

18-112. Discharge of hazardous wastes. (1) All industrial users shall notify the town, the EPA Region IV Waste Management Division Director, and the Tennessee Department of Environment and Conservation Division of Solid Waste Management in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other).

(2) If the industrial user discharges more than one hundred (100) kilograms of such wastes per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimate of the mass and concentration of such constituents discharged during that calendar month, and an estimate of the mass and concentration of such constituents expected to be discharged during the following twelve (12) months.

(3) Notification shall be provided within one hundred eighty (180) days of the discharge. Notification need be submitted only once for each hazardous waste discharged; however, advance notification of substantial change is required.

- (4) Industrial users are exempt from notification requirements if
- (a) The pollutants are already monitored and reported under the user's permit requirements; or
 - (b) Less than fifteen (15) kilograms of non-acute hazardous wastes are discharged within a calendar month.
- (5) If new regulations identify additional characteristics of hazardous wastes or list new hazardous wastes, notification of the appropriate authorities by the industrial user is required within ninety (90) days of the effective date of such regulations.
- (6) If notification is required, the industrial 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. (Ord. #2-11-97-2, April 1997)

18-113. Charges and fees.¹ (1) Purpose. It is the purpose of this section to provide a schedule of charges and fees which will enable the town to comply with the revenue requirements of section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with the regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment system. Specific charges and fees shall be adopted by a separate ordinance; this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs and capital improvements may be assessed by the town. These charges and fees shall be recovered through the user classification established hereinafter.

(2) Classification of users. All users shall be classified by the water superintendent either by assigning each one to a user classification category according to the principal activity conducted on the user's premises, by individual user analysis, or by a combination thereof. The purpose of classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.

(3) Types of charges and fees. The town may adopt charges and fees which may include, but are not limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by a user;
- (c) Fees for permit application;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fee for use of garbage grinders;
- (g) Fees for holding tank wastes;

¹Rate schedules of charges and fees are available in the office of the recorder.

(h) Fees for reimbursement of administrative costs related to the pretreatment program;

(i) Fees for monitoring, inspection and surveillance procedures;

(j) Fees for reviewing accidental discharge prevention procedures and construction;

(k) Fees for allowing connection of building sewers to the POTW.

(4) Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD ₅	300 milligrams per liter
COD	600 milligrams per liter
TKN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter
Suspended Solids	300 milligrams per liter
Total Dissolved Solids	3,000 milligrams per liter
Oil and grease	70 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH₃ as N, chlorine demand, and volume.

(5) User charges. The fair user charge fee schedule consists of a flat base charge based on an equitable distribution of the administrative costs of providing sewer service to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within two hundred (200) feet of a sanitary sewer owned by the town, plus an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW based on water usages as determined by water meters owned by the town. A surcharge will be levied against those users which discharge wastewater that exceeds the strength of "normal wastewater." The owner or occupant of property obtaining water from a source or sources other than through a meter of the town, which water is discharged into the POTW shall install, without cost to the town, a meter or meters to measure the quantity of water received from any such source or sources and shall pay the same rate or rates as provided in this section. No meter shall be installed or used for such purpose without the approval of the superintendent.

Whenever a property upon which a fair user charge is hereby imposed uses water for industrial, commercial, or air conditioning purposes, and does not

discharge it into the POTW but, through agreement with the POTW, discharges it in some other manner, including discharging it into the town's storm sewer system, the quantity of water so used and not discharged into the POTW, shall be excluded in determining the sewer service charge of said owner or occupant. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the town and installed by the owner or occupant without cost to the POTW. The current fair user charge fee schedule and the method used in calculating the fee schedule shall at all times be maintained on file by the superintendent for inspection by the public.

(6) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = \frac{C_t \times (V_u)}{V_t}$$

Where:

C_u = User's charge for O&M per unit of time.

C_t = Total O&M cost per unit of time.

V_t = Total volume contribution from all users per unit of time.

V_u = Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(7) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(8) Biennial review of operation and maintenance charges. The town shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The town shall revise the charges for users or user classes to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. #2-11-97-2, April 1997)

18-114. Wastewater dischargers. It shall be unlawful to discharge without a NPDES permit to any natural outlet within the Town of Rogersville, or in any area under the jurisdiction of said town, any wastewater except as authorized by the water superintendent in accordance with the provisions of this chapter. It shall be unlawful to discharge without a Town of Rogersville permit any wastewater to the POTW except as authorized by the superintendent in accordance with the provisions of this chapter. (Ord. #2-11-97-2, April 1997)

18-115. Wastewater contribution permits. (1) General permits. All users proposing to discharge non-domestic waste to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW. Any existing connected user discharging waste other than domestic waste shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter.

(2) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the superintendent an application in the form prescribed by the town. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of the ordinance comprising this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-104 of this chapter, as determined by reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and peak wastewater flow rates including daily, monthly, and seasonable variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (g) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in subsection (i) above shall exceed nine (9) months.

(iii) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(j) Each product produced by type, amount, process or processes, and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

(m) Any other information as may be deemed by the town to be necessary to evaluate the permit application.

The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater contribution permit subject to terms and conditions provided herein.

(3) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the users, subject to such standards, shall apply for a permit modification to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit, as required by

subsection (2) of this section, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user, with an existing wastewater contribution permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsection (2)(h) and (i) above.

(4) 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 town. Permits must contain the following:

- (a) Statement of duration (five [5] years or less);
- (b) Statement of non-transferability;
- (c) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (d) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (e) Limits on the average and maximum wastewater constituents and characteristics;
- (f) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (h) Compliance schedules;
- (i) Requirements for submission of technical reports or discharge reports (see § 18-116);
- (j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;
- (k) Requirements for notification of the town or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (l) Requirements for notification of slug discharges; and
- (m) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(5) 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 re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in § 18-104 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit

at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation at a specific location. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. #2-11-97-2, April 1997)

18-116. Reporting requirements for permittee. (1) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the significant industrial user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer registered to practice engineering in the State of Tennessee.

(2) Periodic compliance reports. (a) An industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent, upon request, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standard and the sewer use ordinance. In addition, this report may also be required to include a report of all daily flows which, during the reporting period, exceed the average daily flow reported in § 18-115(4)(c) of this chapter.

(b) The superintendent may impose mass limitations on users to meet applicable pretreatment standards or requirements, or in any other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. These reports shall be made

available to the approval authority upon request. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with the procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be approved by the administrator. (Ord. #2-11-97-2, April 1997)

18-117. Monitoring facilities. The town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the town. (Ord. #2-11-97-2, April 1997)

18-118. Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or its representative as well as representatives of the State of Tennessee and the Environmental Protection Agency (EPA) ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The town, state and/or EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, state, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ord. #2-11-97-2, April 1997)

18-119. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance

with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans, prepared by a professional engineer registered to practice engineering in the State of Tennessee, showing the pretreatment facilities and operating procedures, shall be submitted to the superintendent for review, and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes to the pretreatment facilities shall be reported to and be acceptable to the town prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (Ord. #2-11-97-2, April 1997)

18-120. Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall be made available upon written request to governmental agencies for uses related to this chapter and the national pollutant discharge elimination system (NPDES) permit; provided, however, that such portions of a report shall be available for use by the state and 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 town as confidential, shall not be transmitted to any governmental agency or to the general public by the town until and unless a thirty (30) day notification is given to the user. (Ord. #2-11-97-2, April 1997)

18-121. Private sewage disposal. Where any residence, office, recreational facility or other establishments used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. Where any residence, office, recreational facility, or other establishment used for human occupancy, where the building drain is below the elevation to obtain a one (1) percent grade in the building sewer, but is otherwise accessible to the POTW, the owner shall provide a private sewage pumping station as provided in § 18-124(3).

(1) Non-availability certificate. A private sewage disposal system may not be constructed within the town limit unless and until a certificate is obtained from the superintendent stating that the POTW is not accessible to the property and no such POTW is proposed for construction in the immediate future. If the property is within reasonable distance of the POTW, connection to the POTW is required. The superintendent shall determine the reasonable distance of the POTW, connection to the POTW is required. The superintendent shall determine the reasonable distance to the POTW but in no case shall the reasonable distance be less than five hundred (500) feet for gravity flow or less than three hundred (300) feet for a private sewage force main. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Town of Rogersville and the Hawkins County Health Department.

(2) Requirements. Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the Hawkins County Health Department and the Town of Rogersville, Tennessee, and must be inspected and approved by the authorized representative of the Hawkins County Health Department and by the superintendent. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. When the POTW becomes available, the building sewer shall be connected to such POTW within sixty (60) days of the date of availability, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Hawkins County Health Department. (Ord. #2-11-97-2, April 1997)

18-122. Regulation of holding tank waste disposal. (1) Septic tanks. No person owning vacuum or "septic tank" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the superintendent. All applicants for a truck discharge operation permit shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the superintendent. Such permits shall be valid for a period of one (1) year from date of issuance, provided that such permit shall be subject to revocation by the superintendent for violation of any provision of this section or reasonable regulation established by the superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for

each separate discharge. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees thereof, and shall comply with the conditions of the permit issued by the superintendent and the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.). Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(3) Fees. For each permit issued under the provisions of this chapter, an annual service charge shall be paid to the town to be set as specified in § 18-113. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be non-transferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder. All users discharging septic tank or holding tank wastes to the POTW shall pay appropriate fees to be established as specified in § 18-113.

(4) Designated disposal location(s). The superintendent shall designate approved location(s) 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 absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(5) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank or 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 Town of Rogersville. (Ord. #2-11-97-2, April 1997)

18-123. Wastewater pretreatment devices for commercial or industrial users. (1) Requirement for devices. Grease, oil, sand trap collectors or separators shall be installed and maintained when they are necessary for the proper handling of harmful substances. Such separators shall be of a type and capacity approved by the Town of Rogersville and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

Commercial sources in operation prior to July 1, 1996 are excluded from the minimum requirements of this chapter, but will be required to install and

maintain a gravity-type separator, interceptor or other such device on the kitchen sink for the removal of oil and grease. These devices shall be the largest type available that will fit under the sink and shall not be connected to any dishwashers. These devices will be allowed to remain in service until such time the Town of Rogersville determines the device is not preventing regulated substances from entering the town's sewer system or the device is not being adequately maintained. Upon this determination, the town will require the establishment to install the minimum size device as outlined under subsection (3) of this section.

It shall be the duty of every establishment required to have such devices, to maintain the device and to have same pumped whenever the level of grease or other substance has reached the top of the effluent pipe from the device, or when it appears to the town or its representative that said grease, oil, or other substances are leaving the aforementioned device and are being introduced into the town's sewer system.

New commercial or industrial dischargers of wastewater into the Town of Rogersville wastewater collection system are required by this chapter to install and maintain a gravity-type separator, interceptor, or other such device for the removal of oil, grease, sand, grit, entrails, or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewer system or the wastewater treatment plant (WWTP) unless such establishments are specifically excluded from this requirement.

New or existing commercial establishments which are generally not required to install pretreatment devices unless specifically required include, but are not limited to:

- (a) Commercial establishments which are not involved in food processing, preparation, packaging, or handling; or
- (b) Commercial establishments with food preparation, but no deep fryer, or grill.

Although these establishments are initially excluded from the pretreatment device requirement, if it is determined that these businesses are causing sewer line stoppages due to grease or other problems, then pretreatment devices will be required.

If a new or existing commercial establishment plans to add a deep fryer or a grill, that establishment must notify the town prior to installation and submit plans as specified in subsection (3) of this section.

Every establishment with a separation device is required to maintain a maintenance log on all such devices. The log will show the date of all cleanings and who performed the cleaning. Disposition of removed substances is to be recorded. The maintenance log will be provided by the town and shall be available for examination by the town or its representative at any time and shall be submitted annually to the town between May 1 through the 31 each year. Failure to carry out this reporting procedure is a violation of this chapter and

the town may institute enforcement action under § 18-125 and penalties under § 18-126 of this chapter.

(2) Inspection. Each commercial or industrial user required to own and maintain such pretreatment devices will be inspected at least once each year. Maintenance records shall be kept and shall be available for review by the town's personnel during inspections.

Town of Rogersville personnel shall be permitted ready access to inspect devices for compliance. If found in violation, the user will be issued a seven (7) day notice to come into compliance. Failure to correct the noncompliance within the seven (7) day period will result in the termination of water service under § 18-125--Enforcement of this chapter. If the severing of water service will possibly result in a threat to public health, then the grease trap will be pumped and cleaned by Town of Rogersville personnel. The user will be responsible for all labor, equipment, and disposal charges incurred by the town. These charges will be added to the user's utility bill.

(3) Submittals and design. Prior to installation of new gravity-type separators, grease traps, screens, or other pretreatment devices, plans and design calculations shall be submitted to Town of Rogersville personnel for review and approval. No specifications for pretreatment devices are detailed in these regulations except for grease traps and grit separators. Grease trap specifications are outlined on Drawing Number GR-1 at the end of this chapter and in this subsection of this section. Grit separator specifications for car wash operations are outlined on drawing No. GR-2 at the end of this chapter and in this subsection. Town of Rogersville personnel will evaluate separately the materials and criteria proposed for use in the design of other pretreatment devices.

All grease traps are to meet design criteria as outlined in this section. Person(s) wishing to install pre-cast concrete septic tanks or concrete tanks must submit to the town a design drawing. A field inspection shall be required to ensure that the installation complies with the approved drawings and that adequate baffling has been installed in the device.

During the site plan review conducted by Town of Rogersville personnel of proposed commercial and industrial developments, the need for a grease trap or other pretreatment devices will be determined. If a grease trap or other pretreatment device is required, then detailed plumbing plans shall be submitted to the town prior to commencement of construction.

Grease trap sizes will be determined by the following formula:

Grease Trap Size (gallons) =

F.U. x 0.5 x 5 gpm x 20 minutes

Where F. U. = fixture units plumbed into the grease trap (fixture unit values as listed in the Southern Building Code)

gpm = gallons/minute

(4) Private waste disposal. Acceptable disposal options for the wastes removed from these devices includes recycling collectors, trash disposal, or commercial collectors. These options are contingent on the regulations of landfills where the waste is disposed.

(5) Fees. Users required to install and maintain a gravity-type separator, interceptor, or other such device will be subject to an annual fee. These fees are outlined in § 18-113, as passed and amended from time to time by the Board of Mayor and Aldermen of the Town of Rogersville. All fees will appear on the user's utility bill. In the event the user chooses not to pay said fees, water service will be terminated until such time fees and any other late charges have been paid.

Any person(s) including, but not limited to, commercial users who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine as outlined in § 18-126 of this chapter. (Ord. #2-11-97-2, April 1997)

18-124. Building sewers and connections. (1) Building sewer permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any POTW or appurtenances thereof without first obtaining a written building sewer permit from the water superintendent.

Any residential and commercial user discharging only domestic wastes shall make application for a building sewer permit furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the water superintendent.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to the POTW shall be made only by the Town of Rogersville or its duly authorized agent. The sewer connection and all building sewers, from the building to the POTW, shall be inspected by the water superintendent before the underground portion is covered.

A separate and independent building sewer shall be provided for every building; except where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(3) Installation. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the water superintendent, to meet all requirements of this chapter. All others shall be sealed to the specifications of the water superintendent.

Building sewers shall be at least four (4) inches in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four (4) inch building sewers shall be laid on a grade of at least one (1) percent. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two (2) feet per second. Slope and alignment of all building sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall conform to the appropriate ASTM specification and shall be laid in conformation with the appropriate ASTM specification of the WEF Manual of Practice, No. 9.

Building sewers shall be constructed only of:

- (a) Concrete or clay sewer pipe using rubber compression joints of approved type;
- (b) Cast-iron soil pipe using rubber compression joints of approved type;
- (c) Polyvinyl-chloride pipe with rubber compression joints;
- (d) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (e) Such other materials of equal or superior quality as may be approved by the water superintendent.

Under no circumstances will cement mortar joints be acceptable. Each connection to the POTW must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the water superintendent attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW is at a grade of one (1) percent or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the POTW, adequate precautions by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the POTW, wastes carried by such building drain shall be lifted by an approved means and discharged to the building at the expense of the owner.

No person shall make connection of roof downspouts, exterior foundation drains, areaway 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 the POTW.

The connection of the building sewer into the POTW shall conform to the rules and regulations the town may establish and the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice, No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the water superintendent before installation.

The applicant for the building sewer permit shall notify the water superintendent when the building sewer is ready for inspection and connection

to the POTW. The connection shall be made under the supervision of the water superintendent or his representative.

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 town.

Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance shall include repair or replacement of the service line as deemed necessary by the water superintendent to meet specifications of the town. (Ord. #2-11-97-2, April 1997)

18-125. Enforcement. (1) Harmful contributions. The town may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference or pass-through at the POTW, or causes the town to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The town shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within fifteen (15) days of the date of occurrence.

(2) Revocation of permit. Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharger;
- (b) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (d) Violation of conditions of the permit.

(3) Notification of violation. Whenever the town finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction

thereof shall be submitted to the town by the user. Submission of this plan in no way relieves the user of liability for any violation occurring before or after this notice of violation is issued.

(4) Administrative orders. If the user fails to correct a violation within thirty (30) days of receiving notice of violation, the control authority shall issue the administrative order for the correction of this violation; provided however, that the user is not relieved of responsibility for unauthorized discharges which occur within the thirty (30) day interval.

(5) Cease and desist order. When the town finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, the town may issue an order to cease and desist, and direct the user to comply forthwith within a specified time schedule, or to take appropriate remedial or preventative action in the event of a threatened violation.

(6) Fines and penalties. Any user who violates or fails to comply with any of the provisions of the this chapter and/or industrial user discharge permit issued by the town shall be liable for an administrative fine of not more than one thousand dollars (\$1,000.00) per day as authorized by Tennessee Code Annotated, § 69-3-115 for each violation. The town shall have the power to impose such fines and penalties.

(7) Show cause hearing. (a) The town may order any user who causes or allows an unauthorized discharge to enter the POTW or contributes to violation of this chapter or wastewater permit to show cause before the town why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the town why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Town of Rogersville to:

(i) Issue in the name of the board of mayor and aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board of mayor and aldermen for action thereon.

(c) After the town has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(8) Unacceptable wastes. Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD₅ in excess of three hundred (300) milligrams per liter, a COD in excess of six hundred (600) milligrams per liter, a total kjeldahl nitrogen content in excess of sixty (60) milligrams per liter, an ammonia nitrogen content in excess of thirty (30) milligrams per liter, a suspended solids content in excess of three hundred (300) milligrams per liter, a total dissolved solids content in excess of three thousand (3,000) milligrams per liter, or an ether soluble matter (oil and grease) content in excess of seventy (70) milligrams per liter, or any constituent found in violation of those specific pollutant limitations shown in § 18-107 of this chapter, shall be subject to a surcharge based on the actual considerations as compared to normal sanitary sewage, such surcharge being necessary to compensate the town for the extra cost of treating such wastes.

(9) Surcharge determination procedure. The surcharge(s) shall be based on the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole. Samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the town in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(10) Surcharge rates. The surcharge on excessive BOD₅, COD, TKN, NH₃-N, suspended solids, oil and grease, or any constituent found in § 18-107 of this chapter shall be determined by the following formula:

$$\text{Surcharge Factor} = \frac{\text{Actual Constituent Concentration}}{\text{Constituent Concentration for "Normal Sewage" (see § 18-107)}} - 1$$

The "surcharge factor" shall be multiple by the monthly charge for sewer service to obtain the surcharge for that particular month.

The town may adjust or vary the various rates and/or formulas at its discretion.

(11) Legal action. If any person discharges sewage, industrial wastes or other wastes into the town's wastewater disposal system, in any other way violates this chapter or its industrial wastewater discharge permit, contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for

appropriate legal and/or equitable relief in any court of competent jurisdiction. (Ord. #2-11-97-2, April 1997)

18-126. Penalty and costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than one thousand dollars (\$1,000.00) as authorized by Tennessee Code Annotated, § 69-3-115 for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Criminal penalties. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, or commits an act in violation of the law with criminal intent shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both as authorized by Tennessee Code Annotated, § 69-3-115(c). (Ord. #2-11-97-2, April 1997)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of ground water prohibited.
- 18-113. Pollution of sanitary sewer system.
- 18-214. Enforcement of chapter.
- 18-215. Carnivals, circuses, etc.
- 18-216. Sewage haulers.
- 18-217. Violations.

18-201. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way;
- (2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;
- (3) "Human excreta." The bowel and kidney discharges of human beings;
- (4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;
- (5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and

¹Municipal code reference
Plumbing code: title 12, chapter 2.

Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1986 Code, § 8-301)

18-202. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1986 Code, § 8-302)

18-203. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1986 Code, § 8-303)

18-204. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1986 Code, § 8-304)

18-205. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1986 Code, § 8-305)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1986 Code, § 8-306)

18-207. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1986 Code, § 8-307)

18-208. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-202, or the agent of the owner to provide such facilities. (1986 Code, § 8-308)

18-209. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1986 Code, § 8-309)

18-210. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1986 Code, § 8-310)

18-211. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1986 Code, § 8-311)

18-212. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this

purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1986 Code, § 8-312)

18-213. Pollution of sanitary sewer system. It shall be unlawful for any owner or lessee to cause, allow, or permit any drain water to flow or drain into the sanitary sewer system. (1986 Code, § 8-313)

18-214. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1986 Code, § 8-314)

18-215. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1986 Code, § 8-315)

18-216. Sewage haulers. No sewage from septic tanks shall be dumped at any place within the limits of the Town of Rogersville, or in any of the sewage lines of the town except as provided in this section. All haulers of septic tank sewage must have a permit from the water department. After receiving a permit, the hauler shall comply as to time and place of dumpage with directions of the water commission. Haulers or individuals shall pay a fee of one dollar (\$1.00) per truck load, or part of a load, when sewage is deposited in the sewage system. (1986 Code, § 8-316)

18-217. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1986 Code, § 8-317)

CHAPTER 3

USER CHARGE SYSTEM

SECTION

18-301. General provisions.

18-302. Charge structure.

18-303. Rates.

18-301. General provisions. (1) Actual use. The user charge system (UCS) shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge.

(2) Notifications. Each user shall be notified annually in conjunction with their regular bill of the rate being charged for wastewater treatment services.

(3) Financial management system. The UCS must establish a financial management system that will accurately account for revenues generated and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the bases for determining the annual operating expenses, interest expenses, interest expense, depreciation (if appropriate), and any reserve account requirements.

(4) Charges for inflow and/or infiltration. The UCS shall provide that the cost of operation and maintenance for all flow not directly attributable to users be distributed among all users in the same manner that it distributes the costs of the actual or estimated usage.

(5) Use of revenue. Revenue derived from a wastewater project funded by a state revolving loan; including but not limited to, sale of treatment-related-by-products; lease of land; or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increases.

(6) Other municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations, requiring this chapter.

(7) Inconsistent agreements. This UCS shall take precedence over the terms or conditions of contracts between the town and users which are inconsistent with the requirements of this chapter. (Ord. #6-11-91-1, Aug. 1991)

18-302. Charge structure. (1) Classification of users. Class 1: Those users whose average biochemical oxygen demand (BOD) is three hundred fifty (350) milligrams per liter by weight or less, and whose suspended solids (SS) discharge is three hundred fifty (350) milligrams per liter by weight or less. (C1)

(2) Determination of costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the service supplied by the wastewater system. These charges shall be based upon the cost categories described as operation, maintenance, and replacement (OMR); interest (I); and, principal repayments or depreciation, whichever is greater (P).

(a) All users who fall under Class 1 shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined by the following formula: $C1 = OMR + I + P / \text{Total gallons treated}$.

(b) All users who fall within Class 2 classification shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids (SS) in direct proportion to the actual discharge quantities.

$C2 = C1$ plus the following formula for excessive strength:

$$(A (D-350) + B (E-350) \times .00834 \times G = \text{Surcharge Payment (\$/Mo.)}$$

The components of the formula are as follows:

- A = Surcharge rate for BOD, in \$/pound.
- B = Surcharge rate of SS, \$/pound.
- C = Surcharge rate for other pollutant(s) in \$/pound.
- D = User's average BOD concentration, in mg/l.
- E = User's average SS concentration, in mg/l.
- F = User's average other pollutants concentration, in mg/l.
- G = User's monthly flow to sewage works, per 1,000 gallons.

No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 350 mg/l of BOD of 350 mg/l.

(c) The volume of water purchased which is used in the calculation of wastewater use charges may be adjusted by the Rogersville Water Commission if a user does not discharge it to the public sewers (i.e. filling swimming pools or industrial heating). The user shall be responsible for documenting the quantity of wastewater actually discharged to the public sewer. (Ord. #6-11-91-1, Aug. 1991)

18-303. Rates.¹ The Rogersville Water Commission will review the user charges annually along with the budget process and revise the rates as necessary to ensure that adequate revenues are generated to pay OMR, I, and P. The periodic review shall also ensure that the system continues to provide for the proportional distribution of these costs among users and user classes. (Ord. #6-11-91-1, Aug. 1991)

¹Municipal code reference
Sewer charges and fees: § 18-113.

CHAPTER 4**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹****SECTION**

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Existing and future dwellings--meter requirements.
- 18-404. Water and sewer rate structure.
- 18-405. Construction, operation, and supervision.
- 18-406. Statement required.
- 18-407. Inspections required.
- 18-408. Right of entry for inspections.
- 18-409. Correction of existing violations.
- 18-410. Use of protective devices.
- 18-411. Unpotable water to be labeled.
- 18-412. Violations.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross connection." Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, 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 for 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.

(4) "Dwelling." A dwelling unit shall be defined as any apartment, house, mobile home or any other individually self-contained dwelling area wherein one or more persons may maintain a residence. This definition encompasses, among other things, apartment complexes and mobile home complexes or parks.

¹Municipal code references

Plumbing code: title 12.

Sewers: title 18, chapter 1.

Water rates are of record in the office of the recorder.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(7) "Public water supply." The waterworks system furnishing water to the Town of Rogersville for the general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (Ord. #2-11-86-2, April 1986, as amended by Ord. #5-13-86-1, Oct. 1986)

18-402. Standards. The Rogersville Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #2-11-86-2, April 1986)

18-403. Existing and future dwellings–meter requirements.

(1) Every dwelling unit within the corporate limits of the Town of Rogersville, or to which the town delivers water outside its corporate limits, which dwelling unit shall be constructed from and after the passage of the ordinance comprising this section, shall be required to do the following:

(a) Each dwelling unit shall be required to have a water meter and shall be required to pay any and all regular installation and tap fees as well as water rates as may be set and established from time to time by the Town of Rogersville Water Commission and/or the board of mayor and aldermen; or

(b) Each dwelling unit which shall be constructed from and after the passage of the ordinance comprising this section shall be required to pay the minimum water user rate as established from time to time by the Town of Rogersville Water Commission and/or the board of mayor and aldermen. The applicant for water service to the dwelling unit shall be required to pay the tap and installation fees as required in the event an individual meter was installed for said dwelling unit, prior to the delivery of water service to said unit. Monthly billing statements issued by the office of the Water Commission of the Town of Rogersville to customers shall be issued to the applicant for water service on file with the office of the water commission, which person or persons shall be liable for payment of said minimum water user rate.

In the event the actual water consumed during a billing cycle by the total number of dwelling units in a multi-dwelling unit location is in

excess of the amount of water calculated by multiplying the total number of dwelling units by the number of gallons used to calculate the minimum water user rate, then the applicant on file with the office of the water commission shall be responsible for payment of the excess water used during said billing cycle.

(2) Every dwelling unit now in existence within the corporate limits of the Town of Rogersville, or to which the town delivers water outside its corporate limits, and which does not presently have a water meter for the purpose of determining the volume of water delivered to said mobile home, house or other dwelling unit, shall be required to pay the minimum water user rate as established from time to time by the Town of Rogersville Water Commission and/or the board of mayor and aldermen. Monthly billing statements issued by the Office of the Water Commission of the Town of Rogersville to customers shall be issued to the applicant for water service on file with the office of the water commission which person or persons shall be liable for payment of said monthly billing statement. (Ord. #5-13-86-1, Oct. 1986, as amended by Ord. #2-14-89-2, April 1989)

18-404. Water and sewer rate structure. The water and sewer rate structure for the Town of Rogersville is:

	<u>Inside City</u>	<u>Water</u>	<u>Sewer</u>
Minimum	1,000 gal	9.45	3.34
Next	4,000 gal	4.39	2.07
Next	5,000 gal	3.82	2.07
Next	10,000 gal	3.44	2.07
Next	20,000 gal	2.88	2.07
	<u>Outside City</u>		
Minimum	1,000 gal	13.50	5.07
Next	4,000 gal	6.14	2.43
Next	5,000 gal	5.31	2.43
Next	10,000 gal	4.74	2.43
Next	20,000 gal	3.89	2.43
	<u>Utility Districts</u>		
Per 1,000 gal		3.89	

Deposits formerly required by the commission prior to receipt of utility services shall be replaced with a one time connection fee of fifty dollars (\$50.00). (Ord. #05-14-02-2, June 2002)

18-405. 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 of the Water Commission of the Rogersville Public Water System. (Ord. #2-11-86-2, April 1986)

18-406. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water commission 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. (Ord. #2-11-86-2, April 1986)

18-407. Inspections required. It shall be the duty of the Superintendent of the Water Commission of the Rogersville Public Water System to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be established by the Superintendent of the Water Commission of the Rogersville Public Water System and as approved by the Tennessee Department of Environment and Conservation. (Ord. #2-11-86-2, April 1986)

18-408. Right of entry for inspections. The superintendent of the water commission or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Rogersville Public Water System 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. (Ord. #2-11-86-2, April 1986)

18-409. 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 of the Water Commission of the Rogersville Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-13-711, within a reasonable time and within the time limits set by the Rogersville Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitutes 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 system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #2-11-86-2, April 1986)

18-410. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Superintendent of the Water Commission of the Rogersville Public Water System 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 of the Water Commission of the Rogersville Public Water System 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 Rogersville Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the water commission or his designated

representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the water commission shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Superintendent of the Water Commission of the Rogersville Public Water System.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Rogersville Public Water System. (Ord. #2-11-86-2, April 1986)

18-411. Unpotable water to be labeled. That the potable water system made available to the premises served by the public water system be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #2-11-86-2, April 1986)

18-412. Violations. The requirements contained herein shall apply to all premises served by the Rogersville Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly

without regard to location of the premises, whether inside or outside the Rogersville Corporate Limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #2-11-86-2, April 1986)

CHAPTER 5

WATER SHORTAGE ORDINANCE

SECTION

- 18-501. Purpose.
- 18-502. Definitions.
- 18-503. Water use classification system.
- 18-504. Management phases.
- 18-505. Water management advisory group (WMAG).
- 18-506. Shortage water rates (stand-by rates).
- 18-507. Rationing.
- 18-508. Fines and penalties.
- 18-509. Monitoring and enforcement.
- 18-510. Variances.
- 18-511. Activation and deactivation of management phases.

18-501. Purpose. To achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner, the Town of Rogersville adopts the following regulations and restrictions on the delivery and consumption of water.

This chapter is hereby declared necessary for the preservation of public health, safety, and welfare and shall take effect upon its adoption by the Town of Rogersville.

Whenever, in the judgment of the governing body of the Town of Rogersville comes necessary to conserve water in the service area, due to drought, the Town of Rogersville is authorized to issue a declaration that existing conditions prevent fulfillment of the usual water-use demands. The declaration is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs become endangered.

Immediately upon the issuance of such a declaration, regulations and restrictions set forth under this ordinance shall become effective and remain in effect until the water shortage is terminated and the declaration rescinded.

Water uses, regulated or prohibited under this ordinance are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties (see § 18-508).

The provisions of this ordinance shall apply to customers of the Town of Rogersville. (Ord. #8-9-88-2, Oct. 1988)

18-502. Definitions. For the purpose of this ordinance, the following definitions shall apply:

- (1) "Conservation." Reduction in water use to prevent depletion or waste of the resource.

(2) "Customer." Any person, company, or organization using water supplied by the Town of Rogersville.

(3) "Domestic water use." Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, including employees' use in business, industry, or institution.

(4) "Even numbered address." Street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letters A-M; and locations without addresses.

(5) "Institutional water uses." Water used by government, public and private educational institutions, public medians and rights of way, churches, and places of worship, water utilities, and other lands, buildings, and organizations.

(6) "Landscape water use." Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

(7) "Management phases." (a) "Conservation." A conservation phase exists when water supply is below normal and has been verified by best available information.

(b) "Restrictions." A restrictions phase exists when water supply continues to decline and has been verified by best available information.

(c) "Emergency." An emergency phase exists when water supply cannot meet the needs of the system and has been verified by best available information.

(8) "Odd numbered address." Street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N-Z.

(9) "Water management advisory group." A committee composed of local representatives, created for the purpose of coordinating responses to water shortages.

(10) "Water shortage." Lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, water levels in wells which cause water supplies to be less than usual, major water line breaks, chemical spills, etc. resulting in reduced water supplies. (Ord. #8-9-88-2, Oct. 1988)

18-503. Water use classification system. (1) First class essential water uses. (a) Domestic use. sustain human and domestic animal life, maintain minimum standards of hygiene and sanitation;

(b) Health care facilities;

(c) Public uses. Fire fighting, health and public protection.

(2) Second class essential water uses. (a) Domestic uses not included in first class.

(b) Agricultural watering. Minimum usage; industrial use; commercial and public use (schools, churches, laundromats, restaurants, offices); office and industrial air conditioning.

(3) Third class essential water uses. Schools and other institutions: showering facilities; filling and operation of swimming pools; residential pools serving more than twenty five (25) dwelling units, municipal pools, and pools used by health care facilities; commercial car and truck washes.

(4) Non-essential water uses. Ornamental purposes: outdoor non-commercial uses; filling and operation of swimming pools; washing motor vehicles not included in third class essential water uses; serving water in restaurants, clubs, etc. (except request of customer); fire hydrants (except fire and health protection); flushing of sewers and hydrants; air conditioning. (Ord. #8-9-88-2, Oct. 1988)

18-504. Management phases. Three levels of water management are established: "conservative," "restrictions," and "emergency." Declarations issued by the Town of Rogersville shall specify the water management phase in effect and undertake the appropriate water management activities.

(1) Drought alert provisions and implementation. When a local, regional or statewide "drought alert" is issued by the Tennessee Office of Water Management, the Town of Rogersville will begin, if not already underway, regular monitoring of supply and demand conditions applicable to the Town of Rogersville. Users of the system will be alerted to the activation possibility of the water shortage management plan. Notice will be made to a newspaper of general circulation within the affected community or area. In addition, the Town of Rogersville will encourage water users to assess their use of water.

(2) Conservation phase provisions. If conditions indicate that a moderate water shortage condition is present and is expected to persist, the Town of Rogersville shall activate those requirements outlined in this section to reduce water use.

(a) Goal. (i) An overall use reduction of fifteen (15) percent. Voluntary water use reductions would be requested for essential, economic, and social uses.

(ii) Non-essential water uses would be banned.

(b) General response. Issue a declaration of water shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that conservation phase measures are necessary and shall include the list of non-essential water uses.

(c) Restrictions applying to non-essential uses. Mandatory cutbacks or bans.

(3) Restrictions phase provisions. If conditions indicate that a severe water shortage condition is present and is expected to persist, the Town of Rogersville shall activate those requirements outlined in this section to curtail water uses.

(a) Goal. An overall water use reduction of thirty (30) percent. Voluntary water use reductions would be requested for essential uses. Non-essential water uses would be banned, resulting in a one hundred (100) percent overall class reduction. Curtailments in second and third

class essential water uses would be required resulting in a seventeen (17) percent combined class reduction.

(b) General response. (i) Issue a declaration of water shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that a restrictions phase is in effect and shall include the list of banned uses, and the list of restricted water uses.

(ii) Require customers of the Town of Rogersville to comply with the listed water-use bans and restrictions in all categories while severe drought conditions exist.

(c) Restrictions applying to second and third class essential water uses.

(i) Second class. Mandatory or voluntary cutbacks.

(ii) Third class. Mandatory bans.

(4) Emergency phase provisions. If conditions indicate that an extreme water shortage condition is present the Town of Rogersville shall activate the provisions outlined in this section to curtail water use.

Water-use restrictions imposed during extreme water shortage conditions are mandatory.

(a) Goal. (i) An overall water use reduction of sixty (60) percent; only first class essential water uses would be allowed.

(ii) All other water uses would be prohibited.

(b) General responses. (i) Issue a declaration of water shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that an emergency phase is in effect. It shall include the list of banned water uses.

(ii) Require customers of the Town of Rogersville to comply with the listed water-use restriction in all categories while extreme water shortage conditions exist.

(c) Restrictions applying to second and third class essential water uses, mandatory cutbacks and mandatory bans. (Ord. #8-9-88-2, Oct. 1988)

18-505. Water management advisory group (WMAG). (1) The water management advisory group shall consist of five (5) members. One (1) member shall be the superintendent of the Rogersville Water Commission and one (1) member shall be a Rogersville Water Commissioner. Two (2) members shall be Aldermen of the Town of Rogersville. All members shall be appointed by the mayor and shall serve at the pleasure of the mayor or until their terms of office have expired, whichever occurs first.

(2) The water management advisory group shall evaluate water supply conditions to determine if conditions satisfy water shortage management triggering points as identified in the local drought management plan. The advisory group shall consider.

- (a) The effectiveness of the local water shortage ordinance and plan in protecting and insuring adequate water supplies.
 - (b) Water supply conditions (existing and forecasted), and
 - (c) Other relevant information.
- (3) The water management advisory group shall consult with and invite participation by the general public affected, as well as with interest group representatives. (Ord. #8-9-88-2, Oct. 1988)

18-506. Shortage water rates (stand-by rates). (1) Upon the declaration of a water shortage, the Town of Rogersville shall utilize shortage water rates to water conservation of water supplies. Such rates may provide for, but not be limited to:

- (a) Higher charges per unit for increasing usage (increasing block rates);
- (b) Uniform charges for water usage per unit of use (uniform unit rate);
- (c) Extra charges for use in excess of a specified level (excess demand surcharge); or
- (d) Discounts for conserving water beyond specified levels. (This ordinance includes an example of an "excess use or "surcharge" structure.)

(2) In the event of a water shortage and activation of the "restrictions" phase, the Town of Rogersville is hereby authorized to monitor water use and limit households to seventy (70) gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of twenty-five dollars (\$25.00) per one thousand (1,000) gallons. The Town of Rogersville is hereby authorized to monitor water use and limit households to forty (40) gallons per household member per day under an "emergency" phase. Domestic water use above this limit will be subject to a surcharge of fifty dollars (\$50.00) per one thousand (1,000) gallons. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of one hundred dollars (\$100.00) per one thousand (1,000) gallons of water used if the Town of Rogersville deems that adequate conservation measures have not been implemented. (Ord. #8-9-88-2, Oct. 1988)

18-507. Rationing. In the event of a declared drought the Town of Rogersville issues a declaration of water shortage specifying either a restrictions phase or emergency phase the Town of Rogersville is hereby authorized to ration water in accordance with the following conditions:

- (1) **Residential water customers and allotments.** (a) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.
- (b) Each dwelling unit (household) shall be allotted seventy (70) gallons per day for each resident of the household under "restrictions" and forty (40) gallons per day for each resident of the household under

"emergency" conditions. Households with only one permanent resident will have a daily allotment of fifty-five (55) gallons per day under "emergency" conditions.

(c) Residential water customers are required to provide city utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to fifty-five (55) gallons per day.

(d) (i) Where the residential water allotment provided under this section would create an "extraordinary hardship," as in the case of special health-related requirements, the water customer may apply to the water system for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship, a revised allotment for the particular customer may be established.

(ii) Any person aggrieved by a decision relating to such an exemption or variance rendered by the municipality rendering water service, may file a complaint with the water management advisory group. The complaint must be filed in writing in the office of the city recorder. The WMAG shall render its opinion within seven (7) days of the receipt of such written complaint by the city recorder. The aggrieved person may request a hearing before the WMAG. If such request is made in writing, the hearing shall be held within seven (7) days of the date of the request, and the opinion of the WMAG shall be rendered within three (3) days of such hearing.

(2) Non-residential water customers and allotments. Non-residential customers include commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

Non-residential water customers shall further reduce their water usage to fifty (50) percent of use levels of April 19, 1988.

It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible.

The Town of Rogersville will establish a water allotment for each non-residential water customer, based upon a required further reduction of water usage from the rate of water used by the customer in effect on April 1988, or the last recorded use level if no meter readings record the rate of the customer's use on April 1988.

Each non-residential water user shall provide access to water system personnel for purposes of meter reading and monitoring of compliance with this ordinance. All reasonable efforts will be made to contact customers to arrange for access.

If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the water system for a variance. For these purposes "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing ordinance. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.

(3) Water use rationing for hospitals and health care facilities. Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.

Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage. (Ord. #8-9-88-2, Oct. 1988)

18-508. Fines and penalties. Except as otherwise stated herein, violators of any provision of this ordinance shall be penalized. The penalty for a person's first offense shall be twenty-five dollars (\$25.00). The penalty for a person's second offense shall be fifty dollars (\$50.00). Persons violating this ordinance a third or more times within the same drought period will have water service disconnected for a period of five (5) days with a three hundred dollar (\$300.00) reconnection fee.

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge. (Ord. #8-9-88-2, Oct. 1988)

18-509. Monitoring and enforcement. Law officers of the Town of Rogersville police force shall, in addition to duties imposed by law, diligently enforce the provisions of this ordinance.

Employees of the Town of Rogersville, Water Commission, Police Department, and Fire Department have the duty, and are hereby authorized to enforce the provisions of this ordinance and shall have the power and authority to issue citations when violations of this ordinance occur during any declared drought. (Ord. #8-9-88-2, Oct. 1988)

18-510. Variances. (1) Customers not capable of reducing water use immediately, because of equipment damage or other extreme circumstances, shall reduce water use within twenty-four (24) hours of a declaration of a water shortage, where provisions of this ordinance apply to them and shall apply for a variance from curtailment.

(2) Customers requesting exemption from the provisions of this ordinance shall file a petition for variance with the WMAG within three (3) days after such curtailment becomes effective.

(3) When the ordinance has been invoked by the WMAG, all petitions for variances shall be reviewed by the WMAG. When the ordinance has been invoked by the WMAG, persons using less than twenty five thousand (25,000) gallons of water per day shall file a petition for variance with the WMAG, and persons using in excess of twenty-five thousand (25,000) gallons of water per day shall file a petition for variance with the WMAG within three (3) days of the effective date of water use curtailment or reduction. The WMAG shall respond to requests for variance within five (5) days of receipt of information or within twenty (20) days of declarations of the curtailment, whichever comes first. Petitions shall contain the following:

- (a) Name and address of the petitioner(s);
- (b) Purpose of water use;
- (c) Specific provisions from which the petitioner is requesting relief;
- (d) Detailed statement as to how the declaration adversely affects the petitioner;
- (e) Description of the relief desired;
- (f) Period of time for which the variance is sought;
- (g) Economic value of the water use;
- (h) Damage or harm to the petitioner or others if petitioner complies with ordinance;
- (i) Restrictions with which the petitioner is expected to comply and the compliance date;
- (j) Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance;
- (k) Other pertinent information.

(4) In order for a variance to be granted, petitioner must show one or more of the following conditions:

- (a) Compliance with the ordinance cannot be technically accomplished during the duration of the water shortage.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (c) An extraordinary hardship can be shown.

(5) The Town of Rogersville may, in writing, grant temporary variances for existing water uses otherwise prohibited under the ordinance if it is a condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The governing body of the Town of Rogersville shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the governing body of the Town of Rogersville.

(6) No variance shall be retroactive or otherwise justify any violation of this ordinance occurring prior to the issuance of the variance.

(7) Variances granted by WMAG shall be subject to the following conditions, unless waived or modified by WMAG.

(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the water shortage no longer exists. (Ord. #8-9-88-2, Oct. 1988)

18-511. Activation and deactivation of management phases.

(1) Declaration of a drought. Whenever the Town of Rogersville finds that a potential shortage of water supply is indicated, it shall be empowered to declare a drought exists, and that the water superintendent shall, daily, monitor the supply and demands upon that supply. In addition, the mayor (or his/her agent) is authorized to specify the management phase in effect and the measures to be employed by the system's customers. This declaration shall be published in an official city newspaper, and may be publicized through the general news media or any other appropriate method for making such resolutions public.

(2) Termination of drought phases. Whenever the Town of Rogersville finds that water supplies have returned to normal, it shall be empowered to replace or declare as ended by resolution any phase enacted. Such declaration shall follow the same guidelines used for declaring a drought. (Ord. #8-9-88-2, Oct. 1988)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20**MISCELLANEOUS****CHAPTER**

1. MUNICIPAL RECREATION SYSTEM.
2. PUBLIC SCHOOLS.

CHAPTER 1**MUNICIPAL RECREATION SYSTEM****SECTION**

- 20-101. Membership of the board
- 20-102. Removal and vacancies.
- 20-103. Meetings of the board.
- 20-104. Duties and responsibilities of the board.
- 20-105. Duties of officers of the board.
- 20-106. Regulatory authority of the board.
- 20-107. Superintendent of parks and recreation.

20-101. Membership of the board. The board of park and recreation commissioners shall be composed of five (5) members. One member shall be a member of the board of mayor and aldermen and shall hold office during the term of the board of mayor and aldermen. This member shall be the chairman of the board of park and recreation commissioners. The remaining four (4) members shall be citizens of the town elected by the board of mayor and aldermen. These four (4) members shall serve staggered terms of one (1), two (2), three (3), and four (4) years from and after January 1, 1984, and at the expiration of each term. Each term thereafter shall be for a period of four years. Each member, of said board of park and recreation commissioners shall have one vote. Board members shall be residents of the Town of Rogersville. (Ord. #11-11-03-1, Jan. 2004)

20-102. Removal and vacancies. (1) The mayor may, by and with the consent of the board of mayor and aldermen, remove any member of the park and recreation board for misconduct or neglect of duty (as defined by the board of mayor and aldermen).

(2) Vacancies occasioned by removal, resignation, or otherwise shall be reported to the board of mayor and aldermen, and shall be filled in a like manner as original appointments, except that the term of office is restricted to the unexpired term of office in which a vacancy occurred. (Ord. #11-11-03-1, Jan. 2004)

20-103. Meetings of the board. (1) Regular meetings shall be held one (1) time each month during the year unless otherwise agreed upon by the board. The date and time of these meetings shall be established by the board at the July organizational meeting, but may be changed from time to time by majority vote of the board. Special meetings may be called by the chairman or park director, or by written request of at least two members.

(2) The first regular meeting in July of each year shall be called the organizational meeting. The purpose of this meeting shall be the election and installation of the vice-chairman, the presentation of the annual report, reviewing the inventory report, and other business that may need to come before the meeting.

(3) Meetings shall be conducted in accordance with Roberts Rules of Order, Revised.

(4) Four (4) members of the board shall constitute a quorum for the purposes of lawfully conducting business.

(5) The following shall be the order of business of the Park and Recreation Board but the Rules of Order may be suspended and any matters considered or postponed by action of the Board.

(a) Call to order.

(b) Roll call.

(c) Consideration of minutes of last regular meeting and of any special meetings held subsequently and their approval or amendment.

(d) Reports and discussion of department head.

(e) Unfinished business and new business.

(f) Adjournment. (1986 Code, § 1-804)

20-104. Duties and responsibilities of the board. (1) The Board shall have the following general duties and responsibilities:

(a) Be responsible for the hiring (subject to the approval of the board of mayor and aldermen) and supervision of the superintendent of parks and recreation and the general oversight of the municipal recreation system.

(b) Determine the recreation and park programs of the department to be provided to the community and interpret the needs and desires of the community for such programs.

(c) Periodically evaluate:

(i) The effectiveness of recreation programs;

(ii) The level of maintenance of park areas;

(iii) The work of employees responsible to the board.

(d) Aid in coordinating the recreation services and programs of other agencies, both public and private, providing recreation in the community.

(e) Accept or reject, after due consideration, all private donations in any form in accordance with that which the board believes is in the best interest of the citizens of the Town of Rogersville.

(2) The board shall have the following financial duties and responsibilities:

(a) The board shall prepare and present to the board of mayor and aldermen, for approval, an annual budget sufficient to finance the program of recreation and parks as the board feels is necessary for the welfare of the residents of the Town of Rogersville. The budget shall be submitted to the board of mayor and aldermen at the time designated by the board of mayor and aldermen to hear budget requests.

(b) The board shall annually recommend to the board of mayor and aldermen a budget for capital improvements (acquisition and development) for parks and recreation for the town, and request an allocation from the general fund sufficient to provide for these needs as planned.

(c) The board shall have exclusive control of the expenditures of all moneys collected and approved for deposit to the park fund by the board of mayor and aldermen. (Ord. #11-11-03-1, Jan. 2004)

20-105. Duties of officers of the board. (1) The chairman shall preside at all meetings of the board. The chairman shall appoint all committees, represent the board at public affairs, and shall maintain the dignity and efficiency of the board in all possible ways. He shall perform the other duties ordinarily performed by that office.

(2) The chairman of the board shall present to the board of mayor and aldermen an annual report. This report shall be presented at the first board of mayor and aldermen meeting of July of each year, and shall consist of:

(a) The condition of their trust as of the first day of July that year.

(b) The various sums of money received by the park and recreation fund, and any other sources.

(c) The sums of money expended by the board and for what purposes.

(d) The results of an annual audit for the income and expenses of the park board funds, performed by a certified public accountant.

(e) All portions of this report relating to the receipt and expenditure of money shall be verified by affidavits.

(3) The vice-chairman of the board in the absence of the chairman shall perform all the duties of the chairman. In absence of both the chairman and the vice-chairman, the board shall elect a temporary chairman pro tempore who shall perform the duties of the chairman. The vice-chairman shall be charged with the responsibility to see that all standing and temporary committees function as planned by the board. (1986 Code, § 1-806)

20-106. Regulatory authority of the board. The board of parks and recreation commissioners shall have the authority to establish rules and regulations for any recreation area owned and/or operated by the town. Pursuant to this regulatory authority the board may establish hours of operation and curfew of said recreation areas as well as rules of behavior within said areas. These rules and regulations shall be posted in a public place on the recreation area. Violation of any such rules and regulations shall be punishable by a fine not to exceed fifty dollars (\$50.00) and shall be tried pursuant to the provisions of title 1, chapter 5 of this code. (1986 Code, § 1-807)

20-107. Superintendent of parks and recreation. (1) There is hereby created the office of the superintendent of parks and recreation. The superintendent shall be appointed by the board of park and recreation commissioners with and subject to the approval of the board of mayor and aldermen. The term of employment of the superintendent shall be at the will of the board of commissioners.

(2) The superintendent of parks and recreation shall have the following duties and responsibilities:

(a) General oversight and administration of the municipal recreation system subject to the oversight of the board of commissioners.

(b) Carrying out the mandate of the board of park and recreation commissioners pursuant to their authority as heretofore set out in this chapter.

(c) Supervise and direct the activities of all employees of the municipal recreation system.

(d) Formulate plans for the development of programs of the municipal recreation system to be considered by the board of commissioners.

(3) The board of mayor and aldermen shall consider, as the primary qualification, the training and education of applicants for the position of superintendent of parks and recreation, in their deliberations prior to the appointment of the superintendent. (Ord. #11-11-03-1, Jan. 2004)

CHAPTER 2

PUBLIC SCHOOLS

SECTION

20-201. Tuition fees for non-resident students.

20-201. Tuition fees for non-resident students. The board of education is authorized and empowered to charge an annual tuition fee to students attending municipal schools and residing outside the corporate limits. This fee shall be an amount determined by the board of education. (1986 Code, § 1-701)

ZONING ORDINANCE
ROGERSVILLE, TENNESSEE

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Nashville, Tennessee
Tennessee State Planning Commission
June 1971

Prepared for

ROGERSVILLE REGIONAL PLANNING COMMISSION

Joe G. Price, Chairman
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Johnson City, Tennessee

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ZONING ORDINANCE
OF THE
THE TOWN OF ROGERSVILLE, TENNESSEE

AUTHORITY

An ordinance, in pursuant of the authority granted by Sections 13-703 through 13-716, Tennessee Code Annotated for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts with the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces,, the density of population and the use of land, buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Alderman of the Town of Rogersville:

Article I. SHORT TITLE

This ordinance shall be known as the “Zoning Ordinance of the Town of Rogersville, Tennessee,” and the map herein referred to, which is identified by the title “Zoning Map of the Town of Rogersville, Tennessee,” dated June 1971 and all explanatory matter thereon are hereby adopted and made a part of this ordinance. (Ord. #1-71-129, June 1971)

ARTICLE II. PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. #1-71-129, June 1971)

ARTICLE III. DEFINITIONS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “shall” is mandatory, not directory. The word “used” or “occupied” as applied to any land or building shall be construed to include the word “intended”, arranged or designed to be used or occupied.

ARTERIAL STREET: A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown on the “Zoning Map of the Town of Rogersville.”

BOARDING OR ROOMING HOUSE: A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without means for compensation.

BUFFER STRIP: A plant material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

- (a) **Principal building:** A building in which is conducted the main or principal use of the lot on which said building is located.
- (b) **Accessory building or use:** A building or use customarily incidental and subordinate to the principal buildings or use and located on the same lot with such building or use.

BUILDING HEIGHT: The vertical distance measured from the finished grade at the building line to the highest point of the roof.

BUSINESS SIGN: A sign which directs attention to a business or profession conducted on the premises. A “For Sale” sign or a “To Let” sign for the property on which it is displayed shall be deemed a business sign.

COLLECTOR STREET: A street providing for traffic movement within the town as shown on the “Major Road plan of the Town of Rogersville”.

DUPLEX: A building design, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.

DWELLING: A building designed or used as the permanent living quarters for one or more families.

FAMILY: One or more persons occupying a premise and living together as a single housekeeping unit.

LOT: A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

- (a) Lot line: The boundary dividing a given lot from a street, alley, or adjacent lots.
- (b) Lot of record: A lot, the boundaries of which are filed as legal record.

MOBILE HOME. A detached single family dwelling unit with all of the following characteristics: Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the hike.

NONCONFORMING USE: Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

NURSING HOME: One licensed by the State of Tennessee.

OUTDOOR ADVERTISING: Free standing signs seating a total of 200 square feet per facing, also commonly referred to as billboards or poster panels, which advertise any products, businesses or services, or make any announcement whatsoever for the purpose of conveying some information, knowledge or idea to the public.

PORTABLE SIGNS: Any sign which is or intended to be affixed or mounted to a frame with wheels for the express purpose of easy mobility, is intended ordinarily to be leased for short periods of time for promotion of sales, grand openings, etc.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

TOTAL FLOOR AREA: The area of all floors of a building including finished attic, finished basement and covered porches.

YARD: An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

- (a) Front yard: The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.
- (b) Rear yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
- (c) Side yard: A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches. (Ord. #1-71-129, June 1971, as amended by Ord. #3-11-86-3, May 1986, Ord. #3-88-41, May 1988 and Ord. #04-08-03-1, June 2003)

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance the Town of Rogersville, Tennessee is hereby divided into ten (10) classes of district as follows:

Residence –	R-1 District –	Low density
Residence –	R-2 District –	Medium density
Residence –	R-3 District –	High density
Residence –	M-R District –	Medical-residential
Business –	B-1 District –	Neighborhood business
Business –	B-2 District –	Central business
Business –	B-3 District –	Intermediate business

Business –	B-4 District –	Arterial business
Industrial –	M-1 District –	Industrial
Historical –	H-1 District –	Historical

The boundaries of these districts are hereby established as shown on the map entitled “Zoning Map of the Town of Rogersville, Tennessee,” dated June 1971, and all amendments thereof, which is a part of this ordinance and which is on file in the office of the Town Recorder. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines, a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals. (Ord. #1-71-129, June 1971)

ARTICLE V. APPLICATION OF REGULATIONS

Except as here in provided:

Section A. Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

Section B. Street frontage. No dwelling shall be erected on a lot which does not abut on a street for at least forty(40) feet.

Section C. Corner lots. The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

Section D. One principal building on a lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot.

Section E. Reduction lot size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained.

Section F. Yard and other spaces. Yard and Other Spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

Section G. Conformity to subdivision regulations. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Rogersville Regional Planning Commission and such approval entered in writing on the plat by the secretary of the Commission.

Section H. Height and density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

Section I. Annexations. All territory which may hereafter be annexed to the Town of Rogersville, Tennessee shall be considered to be in the R-1 (Low Density Residential) District until otherwise classified.

Section J. Outdoor advertising: Outdoor advertising as defined herein is prohibited in the corporate limits of the Town of Rogersville. (Ord. #1-71-129, June 1971, as amended by Ord. #3-8-88-4, May 1988)

ARTICLE VI. GENERAL PROVISIONS

Section A. Continuance of nonconforming uses. Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations.

1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which manifestly arranged or designed for such use prior to the time of enactment of this ordinance.
2. Any nonconforming building which has been damaged by fire or causes, may be reconstructed and used as before unless the building inspector determines that the building is damaged to the extent of more than seventy-five (75) percent of its appraised value

for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

3. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance.
4. All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provision of this ordinance within one (1) year from official notification by the Building Inspector.

Section B. Off-street automobile parking. Off street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except in the B-2 (Central Business) District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.
2. Churches: One space for each four (4) seats
3. Clubs and lodges: One space for each three hundred (300) square feet of floor space over one thousand feet.
4. Dwellings: Single Family-Two spaces per dwelling unit
Two Family-Two spaces per dwelling unit
Multiple Family-Two spaces per dwelling unit
Multiple family intended exclusively for occupancy by elderly tenants only-one space per dwelling unit.
5. Funeral parlors: One space for each four (4) seats in the chapel.
6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.

7. Hospitals and nursing homes: One space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four (4) beds, computed on the largest number of employees on duty at any period of time.
8. Hotel: One space for each three (4) employees plus one space for each two (2) guestrooms.
9. Industry: One space for each three (3) employees, computed on the largest number of persons employed at any period during day or the night.
10. Motels and tourist courts: One space for each four (4) employees plus one space for each accommodation.
11. Offices: Medical-one space for each three hundred (300) square feet of floor space.

Other professional-One space for each four hundred (400) square feet of floor space

General-One space for each four (400) square feet of floor space.
12. Places of public assembly: One space for each five (5) seats in the principal assembly room or area.
13. Recreation and amusement areas without seating capacity: One space for each five (5) customers, computed on maximum service capacity.
14. Restaurants: One space for each (4) employees, plus one for each one hundred (100) square feet of floor space devoted to patron use.
15. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.
16. Schools: One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.
17. Mobile home parks: One space for each mobile home.
18. Wholesale business: One space for each three (3) employees based on maximum seasonal employment.

19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
20. Extension of parking space into a residential district: Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the building inspector.

Section C. Off-street loading and unloading space. On every lot on which a business, trade, or industry use is hereafter established, space access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

1. Retail business: One space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.
2. Wholesale and industrial: One space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.
3. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

Section D. Vision clearance. In all districts except the B-2 (central business) district, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

Section E. Flood protection. Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the Town of Rogersville, Tennessee must be approved by the Rogersville Regional Planning Commission. The planning Commission shall determine, on the basis of the watershed and the probable runoff, the openings

needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream. (Ord. #1-71-129, June 1971, as amended by Ord. #3-10-92-3, May 1992)

Article VII. PROVISIONS GOVERNING USE DISTRICTS

Section A. R-1 (low density) residential. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1 (low density) residential district as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted.

1. Single family residences, except mobile homes;
2. Customary general farming;
3. Customary home occupations provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than 30 percent of the total floor area of the dwelling is used.
4. Public owned building and uses, schools offering general education, and churches provided that:
 - (a) The location of these shall first be reviewed by the Rogersville Regional Planning Commission;
 - (b) The buildings are placed not less than fifty (50) feet from the side and rear property line;
 - (c) There are planted buffer strips along side and rear property lines.
5. Customary accessory buildings provided that they are located in rear yards and not closer than five (5) feet to any property line.

Section B. R-2 (medium density) residential. It is the intent of this district to provide areas for single family, two family and duplex dwellings; to

encourage development and continued use of the land for residential purposes; to prohibit business and business and industrial uses and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the R-2 (medium density) residential district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-1 Residential District;
2. Two family and duplex dwellings subject to site plan approval;
3. Boarding and rooming houses.

Section C. R-3 (high density) residential. It is the intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, and are limited so as not to encourage general business activity. In order to achieve the intent of the R-3 (high density) residential district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-2 Residential District;
2. Mobile home parks provided that they conform to requirements of the mobile home park ordinance of the Town of Rogersville;
3. Medical clinics, fraternal organizations and clubs not operated for profit and nursing homes, provided the location of these uses shall first be reviewed by the Rogersville Regional Planning Commission.
4. Multi-family dwellings subject to site plan approval;

Section D. M-R (medical residential) district. It is the intent of this district to provide areas for single and multi-family dwellings; to encourage development and continued use of the land for medical institutional purposes coupled with compatible business uses. Professional services are permitted in the district provided that they meet applicable standards. In order to achieve the intent of the M-R (medical-residential) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Single family dwellings, except mobile homes; two family dwellings, floral shops, barber shops, beauty shops hospitals, medical and dental clinics, clinical laboratories, nursing homes,

convalescent homes, drug stores, parking lots, office or studio of the following professional occupations: chiropractor, dentist, masseur, optometrist, osteopath and physician.

2. Business signs provided that all signs shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings not have flashing intermittent or moving illumination.

Section E. B-1 (neighborhood business) district. It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the B-1 (neighborhood business) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-3 Residential District, except mobile home parks;
2. Shopping centers subject to site plan approval;
3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, Laundromats and laundry pick-up stations, restaurants, mini storage facilities and similar uses;
4. Hospitals, funeral homes, offices for doctors, lawyers, dentists, architects, real estate agencies and insurance agencies.
5. Business signs provided that all signs, except one detached sign shall be allowable in shopping center developments, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings not have flashing intermittent or moving illumination.
6. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of access and egress shall be not less than fifteen (15) feet from intersection of street lines.

Section F. B-2 (central business) district. It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses that

serve the general public and to discourage industrial, and wholesale development, which do not lend themselves to pedestrian traffic. In order to achieve the intent of the B-2 (central business) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Stores and shops conducting retail business;
2. Personal, business, and professional services;
3. Public and semi-public buildings and uses provided that public and semi public buildings and uses shall first be reviewed by the Rogersville Regional Planning Commission;
4. Business signs and parking lots.
 - (a) No sign may be so arranged that it interferes with traffic through glare, through blocking or reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device (by reason of its color, location, shape, or other characteristics), or through any other means. Rotation beacons are prohibited.
 - (b) Any portion of a sign or a pole or standard for such sign which is in contact with the ground shall be within the lot lines of the property.
5. Lodges and clubs; hotels and motels, restaurants and similar services.

Section G. B-3 (intermediate business) district. It is the intent of this district to establish an area adjacent to the B-2 (central business) district which will support those uses and to encourage commercial development to concentrate to the mutual advantage of consumers as well as to provide for adequate space and sufficient depth from the street for the transactions of the district, thereby strengthening the economic base and protecting public convenience. In order to achieve the intent of the B-3 (intermediate business) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any uses permitted in the R-3 residential district, except mobile homes;
2. Any use permitted in the B-2 district;

3. Wholesale business, warehouses, storage yards and buildings;
4. Auto and mobile home sales;
5. Auto repair garages and similar operations;
6. Hospitals, funeral homes, offices for doctors, lawyers, dentist, architects, real estate agencies and insurance agencies;
7. Gasoline service stations provided that all structures including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of access and egress shall be not less than fifteen (15) feet from intersection of street lines.

Section H. B-4 (arterial business) district. It is the intent of this district to establish business areas that encourage the grouping of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of the B-4 (arterial business) district as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted subject to site plan approval:

1. Any use permitted in B-1 districts, except mobile homes;
2. Hotels and motels;
3. Auto and mobile home sales;
4. Restaurants;
5. Offices;
6. Places of amusement and assembly; lodges and clubs;
7. Funeral homes;
8. Public and semi-public buildings and uses;
9. Travel trailer parks;
10. Service stations;
11. Business signs.

- (a) No sign may be so arranged that it interferes with traffic through glare, through blocking or reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device by reason of its color, location, shape, or other characteristics, or through any other means. Rotation beacons are prohibited.
- (b) Any portion of a sign or standard for said sign which is in contact with the ground shall be within the lot line of the property.

Section I. M-1 (industrial) district. It is the intent of this district to establish industrial areas along with open areas that will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling, and business uses and to discourage residential development. In order to achieve the intent of the M-1 (industrial) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted subject to site plan approval:

1. Any use permitted in business districts except residences;
2. Terminals;
3. Wholesale business
4. Warehouses;
5. Storage yards and buildings and similar uses;
6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Building Inspector.
7. Adult oriented establishments: Sexually explicit establishments which cater to exclusively or predominantly adult clientele, including, but not limited to, adult bookstores, adult theaters adult motion picture theaters, cabarets and other enterprises which regularly feature material, acts, or displays involving complete nudity or exposure of human genitals, pubic regions, buttocks or female breast and/or sexual enticement or excitement.

Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create

traffic congestion and depress nearby residential neighborhoods and retail districts there activities will only be permitted when minimum conditions are met.

The following minimum conditions must be compiled with for a site to be approved for adult oriented establishments:

- (a) The site shall be not less than one thousand feet from any residentially zoned property at the time of approval for an adult oriented establishment.
- (b) The site shall be not less than one thousand feet from the site of any public amusement or entertainment activity, including, but not limited to, arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating or roller skating rinks or arenas, zoos, community centers and similar amusements offered to the general public.
- (c) The site shall be not less than one thousand feet from any devoted to public recreation activity.
- (d) The site shall be not less than one thousand feet from any school, library, day care center, park, church, mortuary or hospital.
- (e) The site shall be not less than one half mile from any other adult oriented establishment.
- (f) Measurement shall be made from the nearest recorded property line of the lot on which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Rogersville Zoning Map.
- (g) Maps showing existing land use and zoning within one half mile of the proposed site should be submitted with an application for use on review approval along with site plans, surveys or other such special information as might reasonably be required by the building inspector for use in making a thorough evaluation of the proposal.

Section J. H-1 historic district. It is the intent of this district to preserve the historic sites and structures of the Town of Rogersville. The

requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance to town's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the H-1 historic district as shown on the Official Zoning Map of Rogersville, Tennessee, the following regulations shall apply.

1. The inclusion of additional territory within the H-1 district classification may be recommended to the Rogersville Planning Commission and the board of mayor and aldermen where the following criteria shall be determined to exist by the historic preservation commission.

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and :

- (a) Are associated with events that have made a significant contribution to the broad patterns of our history; or
 - (b) Are associated with the lives of persons significant to our past; or
 - (c) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (d) Have yielded, or may be likely archaeological information; or
 - (e) Is listed in the National Register of Historic Places.
2. Application for building permit shall be made to the Building Inspector prior to the commencement of any construction, alteration, repair, moving, or demolition to be carried on within the district. No building permit for construction, alteration, repair, moving to demolition to be carried on within the district shall be issued by the Building Inspector until it is submitted to an receives approval in writing by the Historical Preservation Commission.

The Historical Preservation Commission may, however, prepare a listing of prior approvals permitted in the Historical District. (Ord. #1-71-129, June 1971, as amended by Ord. #3-8-88-4, May 1988, Ord. #4-8-97-2, Feb. 1997, Ord. #04-08-03-1, June 2003, and Ord. #05,13-03-1, July 2003)

ARTICLE VIII. AREA, YARD, AND HEIGHT REQUIREMENTS

District	Area in Square Feet	Per Additional Family	Lot Width in Feet at Building Line	Minimum Yard Requirements From Property Lines			Maximum Height of Structures
				Front	Side (Each Side)	Rear	
R-1	10,000	-----	80 ft.	30 ft.	15 ft.	30 ft.	35 ft.
R-2	8,000	4,000	70 ft.	30 ft.	10 ft. per story	25 ft.	35 ft.
R-3	6,500	For each additional efficiency apartment 1,500, one bedroom apt. 2,000, two bedroom apt. 2,500, three bedroom apt. 3,000	50 ft.	30 ft.	10 ft. per story	25 ft.	35 ft.
M-R	8,000	4,000	70 ft.	30 ft.	8 ft. per story	25 ft.	35 ft.
B-1	-----	-----	-----	30 ft.	10 ft.	25 ft.	35 ft.
B-2	-----	-----	-----	-----	-----	-----	70 ft.
B-3	-----	-----	-----	20 ft.	10 ft.	25 ft.	70 ft.
District	Area in Square Feet	Per Additional Family	Lot Width in Feet at Building Line	Minimum Yard Requirements From Property Lines			Maximum Height of Structures
				Front	Side (Each Side)	Rear	

B-4	-----	-----	-----	40 ft.	10 ft.	25 ft.	70 ft.
M-1	-----	-----	-----	40 ft.	20 ft.	25 ft.	70 ft.

(Ord. #1-71-129, June 1971, as amended by Ord. #04-08-03-1, June 2003)

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

Section A. Lot of record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, in accordance with Article XI. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning appeals.

Section B. Adjoining and vacant lots of record. A plat of land consisting of one or more adjacent lots with continuous frontage in a single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected tot he requirements of this ordinance.

Section C. Front yards. The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths of developed lots.

Section D. Group housing projects. In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district

in which the project is located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such a district.

Section E. Exception on height limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

Section F. Site plan regulations for commercial, multi-family residential, or public uses. In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all new developments or redevelopments of commercial, multi-family, residential, public or semi-public uses. Prior to issuance of any building permit, a site plan will be submitted for review and approval by the planning commission. Site plans shall be submitted no less than 14 days in advance of the planning commission meeting.

A site plan shall contain:

1. General Provisions

- a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawing shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
- b. All site plans shall show:
 - i. Topography of existing and finished grades.
 - ii. Location of all land subject to flooding.
 - iii. Dimensions and calls of all property lines.
 - iv. North point, scale, acreage of site, and location map.
 - v. Location of all existing and proposed structures (including signs), street right-of way, sidewalks, easements, and covenants.

- vi. Dimensions of all existing and proposed structures.
- vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping, and open space, buffer strips, signs, off-street parking, and storm water drainage.

2. Open space and landscaping plan

To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

- a. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the site, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.
- b. All development shall meet the minimum yard requirements established in Article VIII, for the appropriate zone.
- c. The setback between a public street and parking areas shall be landscaped with berms and/or appropriate landscaping plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.

3. Buffer strip

A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the building inspector. Any decision or order of the building inspector may be appealed to the planning commission for review and final determination. Other material or method of screening than that outlined above may be approved by the planning commission.

4. Signs

Sign size and placement shall be governed by the provisions of Article VII.

5. Off-street parking

The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article VI, Sections B and C.

6. Waste disposal

All waste disposal facilities shall be screened by fencing, walls, or evergreen plant material in such a way that they are not visible from any public street or adjoining properties.

7. Stormwater drainage

A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures, including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten year shall be calculated for pre-development and post-development. The amount of runoff shall not be increased, and shall be accommodated on site.

8. Expiration of approved site plans

Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

Section G. Site plan regulations for industrial uses. It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted in the industrial districts of the town and shall apply to the expansion or redevelopment of any existing uses within the town's industrial districts. The public health safety, and welfare of the citizens of Rogersville through a lessening of traffic congestion, the securing of adequate lighting and air, the preservation of aesthetic qualities, and the protection of properties. Prior to issuance of any building permit, a site plan will be submitted for review and approval by the planning commission. Site plans shall

be submitted to less than 14 days in advance of the planning commission meeting.

A site plan shall contain:

1. General provisions

- a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawing shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
- b. All site plans shall show:
 - i. Topography of existing and finished grades.
 - ii. Location of all land subject to flooding.
 - iii. Dimensions and calls of all property lines.
 - iv. North point, scale, acreage of site, and location map.
 - v. Location of all existing and proposed structures (including signs), street right-of way, sidewalks, easements, and covenants.
 - vi. Dimensions of all existing and proposed structures.
 - vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping, and open space, buffer strips, signs, off-street parking, and storm water drainage.

2. Open space and landscaping plan

To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

- a. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the

site, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.

- b. To minimize adverse visual and environmental impacts, no accessory buildings shall be permitted in areas established for open space.
- c. All development shall meet the minimum yard requirements established in Article VIII, except on sites adjoining residential districts, the following additional development standards shall apply:
 - i. The requirements for the yard (open space) area shall be one hundred (100) feet. Whenever highly combustible, flammable, or explosive materials or any other materials that have inherent characteristics that constitute a inherent hazard to life or property are to be used on such sites, the planning commission may require additional yard area. Development within required yard areas adjacent to residential districts shall be subject to the following requirements:
 - a. Off street parking areas shall be setback no less than fifty (50) feet from the district boundary.
 - b. At least the first fifty (50) feet of required yard shall be appropriately landscaped by use of berms and grass, trees, shrubs, or other appropriate plants.
 - c. No solid or liquid waste disposal areas shall be allowed in the required yard area, with the exception of solid waste dumpster facilities for nonindustrial solid waste products.
 - d. The setback space between the public street and parking areas shall be landscaped.
 - i. Where possible berming shall be installed to screen parked cars and where berms are not used screening shall be achieved through use of trees and shrubs.

- ii. All landscaping shall be maintained in healthy growing conditions through a permanent maintenance program.

3. Buffer strip

A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the building inspector. Any decision or order of the building inspector may be appealed to the planning commission for review and final determination. Other material or method of screening than that outlined above may be approved by the planning commission.

4. Signs

Sign size and placement shall be governed by the provisions of Article VII.

5. Off-street parking

The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article VI, Sections B and C.

6. Waste Disposal

All waste disposal facilities shall be screened by fencing, walls, or evergreen plant material in such a way that they are not visible from any public street or adjoining properties.

7. Emissions

To provide for the protection of the environment and the citizens of Rogersville, a plan for emission control shall meet the following requirements:

- a. No use shall create noise, vibrations, dust odor, or fumes which are in any way harmful to endanger the health, safety, and general welfare of the public.

- b. Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.
- c. In the event that emission control are questionable, the planning commission may require certification of the proposed controls by an environmental engineer or other appropriate expert.
- d. If the town determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.

8. Stormwater drainage

A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures, including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten year shall be calculated for pre-development and post-development. The amount of runoff shall not be increased, and shall be accommodated on site.

9. Expiration of approved site plans

Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project. (Ord. #1-71-129, June 1971)

ARTICLE X. ENFORCEMENT

Section A. Enforcing officer. The provisions of this ordinance shall be administered and enforced by the municipal building inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

Section B. Building permit required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory building, until the building inspector has issued for such work a building permit including a statement that the plans, specifications and

intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector.

Section C. Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, site, height, and location of all buildings to be erected, altered or moved, and of any and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.

Section D. Certificate of occupancy. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such certificate is refused the building inspector shall state such refusal in writing, with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

Section E. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

Section F. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building. (Ord. #1-71-129, June 1971)

ARTICLE XI. BOARD OF ZONING APPEALS

Section A. Creation and Appointment. A board of zoning appeals is hereby established in accordance with Section 13-705, Tennessee Code

Annotated. The board of zoning appeals consist of five (5) members, who are legal residents of the Town of Rogersville, and shall be elected by the majority vote of the board of mayor and alderman. The term of membership shall be five (5) years, except that the initial individual appointments to the board shall be terms of one (1), two (2), three (3), four (4), five (5) years respectively. Vacancies shall be filled for any unexpired term by a majority vote of the board of mayor and aldermen.

Section B. Procedure. Meeting of the zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

Section C. Appeals: How Taken. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action appeals was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

Section D. Powers. The board of zoning appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out of enforcement of any provision of this ordinance.
2. Special Exceptions. To hear and decide special exceptions to this ordinance as set forth in Article IX.

3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property, which do not generally apply to other property in the neighborhood.

Section E. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the Board shall be necessary to reverse any order requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance. (Ord. #1-71-129, June 1971)

ARTICLE XII. HISTORIC PRESERVATION COMMISSION

Section A. Creation and appointment. In accordance with Tennessee Code Annotated § 13-7-401 a historic preservation commission is hereby established. The Rogersville Board of Mayor and Aldermen shall create a seven (7) member historic preservation commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the planning commission, at the time of the appointment; and the remaining members shall be appointed by the mayor, subject to confirmation by the board of mayor and aldermen appointments to membership on the historic preservation commission shall be arranged so that the term of one member shall expire and his successor shall be appointed in like manner in terms of five (5) years. The members of the commission shall elect a chairman from among themselves to preside over meetings.

Section B. Procedure. Meetings of the historic preservation commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the commission shall be open to the public. The commission shall give notice of the place, date and time of any public hearing which they hold under the provisions of this ordinance, by publications in an official newspaper or a newspaper of general circulation at least three (3) days immediately prior thereto. At least four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the commission of any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

Section C. Powers and Duties. The historic preservation commission shall have the following powers (which shall be limited to the H-1 Historic District):

1. To recommend the creation of local historic district which shall include the boundaries and written significance as to why the area should be protected. The historic preservation commission shall present the recommended district boundaries to the planning commission and to the board of mayor and aldermen for their approval.
2. The request detailed construction plans and related data pertinent to through review of any proposal before the commission.
3. To issue building permits pursuant to the provisions of Article XII Section G herein.
4. Upon review of the application for a building permit, the historic preservation commission shall give prime consideration to:
 - a. Historic and/or architectural value of present structure;
 - b. The relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
 - c. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used;
 - d. To any other factor, including aesthetics, which is deemed pertinent.

5. Additional Powers and Duties.

- a. It shall be the duty of the historic preservation commission to make the following determination with the respect to the historic district:
 - (i) Appropriateness of altering or demolishing any building or structure within the historic district. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of ant permission to demolish a building or structure. Such photographs, drawings, etc., shall be at the expense of the applicant.
 - (ii) Appropriateness of the exterior architectural features include signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.
 - (iii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.
 - (iv) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks building or structure within the historic district.
 - (v) The general compatibility of the exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic preservation commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incompatible to the historic aspects of the surroundings.
 - (vi) The general compatibility of the application for the landmark site, preservation site, or historic district as stated in the appropriate design guidelines.

- (vii) The commission shall not cause undo economic hardship for the property of owners of a land mark site, preservation site, or historic district.
- b. The commission shall adopt and establish guidelines in conformity with and instructive of the provision of this section.
- c. Right of entry upon land. The application of any property owner for a certificate of appropriateness shall be deemed a grant of consent to the commission, its members and employees, and the building inspector, in the performance of their work, to enter upon any real property within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

Section D. Liability of historic preservation commission members. Any historic preservation commission member acting within the powers granted by this ordinance shall be indemnified by the town against any liability for damages of whatever nature arising directly from the lawful exercise of his or her official duties. Any suit brought against any member of the commission shall be defended by legal representative furnished by the town.

Section E. Jurisdiction. The historic preservation commission shall have exclusive jurisdiction relating to historic matter. Anyone who may be aggrieved by any final order or judgment of the commission may have said order or judgement reviewed by the courts of the procedures of statutory certiorari as proved for the Tennessee Code Annotated, §§ 27-9-102 and 27-9-103.

Section F. Conflicts of interest. Any member of the historic preservation commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic preservation commission in connection therewith.

Section G. Administration and procedure.

1. No construction ,major alteration or rehabilitation, moving, or demolition is to be carried on within the H-1 District until it is submitted to and receives approval in writing by the historic preservation commission.
2. All alterations, additions or new construction within the H-1 District shall require approval before work on such alterations,

additions, or new construction can begin. In addition it shall be required that application be made through the historic preservation commission and the building inspector for any work, including, but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

3. Application procedures:
 - a. Applications for a certificate of appropriateness within the H-1 District shall be made to the historic preservation commission. The historic preservation commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.
 - b. Upon receiving an application the historic preservation commission shall, within thirty (30) days following the availability of sufficient data, issue to the applicant a letter stating its approval with or without attached conditions or disapproval with the ground for disapproval stated in writing.

Section H. Injunctive powers and penalties:

1. Where it appears that the owner or person in charge of a landmark site or preservation site threatens or is about to so or is doing any work in violation of this ordinance, the city attorney for the Town of Rogersville shall, when directed by the mayor or board of aldermen, forthwith apply to an appropriate court for an injunction against such violation of this ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
2. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (Ord. # 1-71-129, as amended by Ord. #05-13-03-1, July 2003)

ARTICLE XIII. AMENDMENT

Section A. Procedure. The board of mayor and aldermen may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any

member of the town board may introduce such amendment, or any official, board or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this ordinance.

1. Application and fee. Citizens wishing to have the ordinance amended shall file an application according to the regulations of the planning commission. To partially defray the administrative cost and cost of giving public notice, the applicant shall pay a filing fee to the Town of Rogersville of ten (\$10.00) dollars.
2. Notice to property owners. The person requesting the rezoning must submit to the planning commission letters addressed to each owner and resident within two hundred (200) feet of the property in question containing information adequate to notify such owners and residents of the intention to rezone the area for which the application is submitted and when and where a public hearing will be held before the planning commission. Such letters should be placed in unsealed, stamped and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters are sent must accompany the applications.

Section B. Approval by planning commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

Section C. Introduction of amendment. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Rogersville, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XIV. MOBILE HOME PARKS

Section A. Purpose. The regulations as herein set forth have been made in accordance with a comprehensive planning program for the purpose of promoting the health, safety, morals and general welfare of the community. The regulations have been designed to lessen congestion, secure safety from fire, panic and other danger, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate adequate provision for public facilities such as transportation, water sewage, parks, schools and other public requirements.

It shall be unlawful for any persons, firm, or corporation to construct, alter, or extend a mobile home park unless it is a permitted use within the zoning district and a valid permit is issued by the building inspector or in the name of such person, firm or corporation for the specific construction, alteration, or extension proposed.

Section B. Definitions.

1. Mobile home. A detached single-family unit with all of the following characteristics:
 - (a) Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
 - (c) Arriving at the site where it is to be occupied as a dwelling unit complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities, and the like.
2. Mobile home park. A contiguous parcel of land which has been planned and improved upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.
3. Buffer strip. A plant material or other material as may be required by the Rogersville Regional Planning Commission which shall provide an immediate screen of not less than five (5) feet with the use of plant materials not less than six (6) feet with the use of other materials.

4. Health officer. The health officer of Rogersville, Tennessee or his authorized representative.
5. Building inspector. The building inspector of Rogersville, Tennessee or his authorized representative.
6. Plumbing inspector. The plumbing inspector of Rogersville, Tennessee or his authorized representative.
7. Electrical inspector. The electrical inspector of Rogersville, Tennessee or his authorized representative.
8. Lot area. The total area reserved for exclusive use of the occupants of a mobile home.
9. Lot line. A line bounding the lot, as shown on the accepted plot plan.
10. Permit. A written document issued by the enforcing agent permitting the construction, alteration or expansion of a mobile home park.
11. Accessory structure. Any structural addition to the mobile home park which includes awning, cabanas, carports, Florida room, porches, storage cabinets and similar structures.
12. Permanent buildings. A building, except a mobile home, or accessory structure.
13. Private drive. A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.
14. Public street. A public way which affords with the principal means of access to abutting properties.
15. Shall. Indicates that which is required.

Section C. Procedures for park approval. The owner or lessee of the land parcel proposed to be used as a mobile home park shall consult early and informally with the Rogersville Planning Commission and its technical staff for advise and assistance prior to the preparation of the park plan and its formal application for approval. This procedure will enable the owner or lessee to

become thoroughly familiar with park regulations, other zoning regulations, and comprehensive plan elements which might affect the area.

1. Submitting of plan. At least ten (10) working days prior to the planning commission meeting at which the park is to be considered for approval, the developer shall submit two copies of the proposed park to the commission's technical staff.
2. The general plan. The plan shall meet the minimum design standards as set forth in Article IV and shall give the following information:
 - (a) Name and location of the park.
 - (b) Name(s) and address(es) of the developer or developers and the name of the designer of the park who shall be a surveyor or engineer approved by the planning commission.
 - (c) Shall be drawn to a scale showing dimensions of the park with a data, approximate north point, graphic scale, and acreage of land to be developed.
 - (d) Shall denote the location of property lines, existing and planned streets, drives and walkways, buildings, water courses, culverts, drain pipes, public utility easements, and water mains.
 - (e) A plan for storm water drainage.
 - (f) A plan of proposed utilities – water, sanitary sewer, gas and electricity.
 - (g) A plan for recreation and open space.
 - (h) A plan for refuse disposal.
 - (i) A lighting plan.
 - (j) A certificate of accuracy signed by the surveyor or engineer.
 - (k) Certificates of appropriate approval with signatures of the health officer, building, plumbing and electrical inspectors.
 - (l) A certificate for planning commission approval.
 - (m) Any other pertinent information as may be required by the planning commission.

Section D. Minimum design standards

1. General
 - (a) A mobile home park shall be located only within the R-3 high density residential districts.
 - (b) The condition of the soil, drainage and topography shall not create hazards.
 - (c) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.

2. Recreational and open space. Common areas for recreational and leisure time pursuits shall be provided in a centralized location.
 - (a) The amount of open space area shall be a minimum of 500 square feet per mobile home lot.
 - (b) Large parks may, at the discretion of the planning commission, decentralize open space areas in order to adequately service all residents.
 - (c) The planning commission may require buffer strips along the boundary lines of the park.
 - (d) Any part of the park area that is not utilized for buildings or other structures, parking or access ways shall be landscaped with grass, trees, shrubs and other similar landscaping materials.
3. Density
 - (a) The mobile home park shall not contain more than ten (10) mobile home spaces per gross acre, provided however, all other standards are met.
 - (b) Each mobile home space shall have minimum depth of seventy-five (75) feet.
 - (c) Each mobile home space shall abut a driveway with unobstructed access to an open, approved public street.
 - (d) Each mobile home shall be set back a minimum of twenty-five (25) feet from all property lines and street right-of-way.
 - (e) There shall be a minimum distance of twenty (20) feet between mobile homes.
 - (f) There shall be a minimum distance of ten (10) feet between a mobile home and the abutting park drive.
4. Streets, drives, walkways and parking
 - (a) All mobile home parks shall be provided with safe and convenient access from abutting public streets to each mobile home space.
 - (b) All drives, walkways and parking areas shall have a minimum of a double bituminous surface with an adequate base.
 - (c) Pavement widths shall be twenty-four (24) feet for entrance drives and collector drives and twenty (20) feet for minor drives.
 - (d) Each mobile home park shall provide 1.5 parking spaces for each mobile home space.
 - (e) Parking spaces shall be located for convenient access to mobile home units.

- (f) Where practicable, a minimum of one parking space shall be located on each mobile home lot with the remainder located in adjacent parking bays.

5. Service buildings

- (a) Service buildings shall be of permanent construction and meet all codes and ordinances.
- (b) Service buildings shall be convenient to the mobile home spaces which they solely serve.
- (c) The service buildings shall be maintained in a clean and sanitary condition.

6. Utilities

- (a) The mobile home park water distribution system shall be connected to the public water supply system.
- (b) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with the state and local regulations and requirements and shall be of a type and location approved by the Tennessee Department of Public Health.
- (c) Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.
- (d) An adequate and safe sewerage system shall be required for conveying and disposing of all sewerage. Wherever feasible, connection shall be made to the public sewerage system.
- (e) The sewerage system shall be designed and constructed in accordance to the state and local laws and approved by the Tennessee Department of Health.
- (f) Each mobile home space shall be provided with a four inch diameter sewer riser pipe.
 - (1) All materials used for sewer connections shall be semi-rigid, corrosive resistance, non-absorbent, and durable with a smooth inner surface.
 - (2) Provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the space.
- (g) Where the sewer lines of the mobile home park are not connected with the public sewage system, the county health department shall approve all proposed sewage.
- (h) Solid waste collection stands shall be provided for all containers.
- (i) At electrical installations shall be designed and constructed in accordance with the electrical code of the Town of Rogersville as approved by the Holston Electric Cooperative.

- (j) All gas equipment and installations within the park shall meet the minimum requirements of the gas code of the Town of Rogersville.
7. Guarantee in lieu of completed improvements
- (a) No mobile home park plan shall be approved by the planning commission until all required improvements are constructed in a satisfactory manner; however, in lieu of completed construction of all improvements the planning commissions may recommend that a bond in an amount equal to the estimated cost of installation of required improvements be submitted.
 - (b) If a bond is submitted it must first be approved by the board of mayor and aldermen.
 - (c) The bond shall be due within six (6) months from submission.
 - (d) The board of mayor and aldermen may instruct the building inspector to issue a six (6) month temporary park operating permit when sufficient improvements are installed to allow safe and adequate facilities to mobile home park residents.

Section E. Permits and park operation

1. Permits
- (a) All mobile home park operators shall be required to obtain an annual operating permit. The issuance of the operating permit shall be contingent upon inspection and approval of the park by the health officer or his authorized representative and the building inspector.
 - (b) It shall be unlawful for any person to maintain or operate a mobile home park within the corporate limit of Rogersville unless he owns a valid permit issued by the building inspector.
 - (c) Building, plumbing, electrical or other such construction permits shall not be issued for the installation of a mobile home park prior to the submission of the park plan and its tentative approval by the Rogersville Planning Commission.
 - (d) Following the approval of a mobile home park plan by the planning commission, the installation of improvements to the satisfaction of the planning commission and a bond guaranteeing the completion of all improvements within a period of six (6) months the board of mayor and aldermen may direct the building inspector to issue a temporary six (6) month park operating permit. The temporary park permit shall not be extended beyond the six month period.

- (e) The annual operating permit fee shall be one dollar for each mobile home space to a maximum of seventy-five (\$75.00) dollars.
2. Park operation
- (a) The park management shall maintain a registrar containing names, addresses and automobile license numbers of all park residents. Such register shall be made available to any authorized person inspecting the mobile home park.
 - (b) The park management shall notify park residents of all applicable provisions of this ordinance and inform them of their duties and responsibilities under the ordinance. (Ord. #1-71-129, June 1971)

ARTICLE XV. LEGAL STATUS PROVISIONS

Section A. Conflict with other ordinances. In cases of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Rogersville, the most restrictive shall in all cases apply.

Section B. Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #1-71-129, June 1971)

ARTICLE XVI WIRELESS TRANSMISSION FACILITIES

Section A. Purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this ordinance are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the locations of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the community;
- (4) Strongly encourage the joint use of new and existing tower sites as primary option rather than construction of additional single-use towers;
- (5) Encourage user of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) Encourage uses of towers and antennas to configure them in a way that minimizes the adverse visual impact of towers and antennas through

careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Rogersville Regional Planning Commission shall give due consideration to the Town of Rogersville's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving for the location of towers and antennas.

Section B. Definitions.

3. Town. Means the Town of Rogersville, Tennessee.
4. Planning commission. Means the Rogersville Planning Commission.
5. BOZA. Means the Rogersville Board of Zoning Appeals.
4. Mature system. Shall mean an existing wireless transmission facility.
5. Tower. Shall mean the base of any wireless transmission facility; including but not limited to, a self-supporting tower and/or monopole, together with any antennae or other appurtenances.
6. User. Shall mean any telecommunications carrier utilizing wireless transmission facilities for the purpose of production or transmission.
7. Wireless transmission facilities. Shall include buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission, and radio transmission, or wireless transmission, accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to the conventional ground-wires communications system (including, but not limited to telephone

lines, video and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid.

Section C. Procedures for approval. The construction and maintenance of wireless transmission facilities is proved for in this ordinance through a procedure which requires approval by the Rogersville Regional Planning Commission. Wireless Transmission Facilities are permitted as of right, subject to site plan review by the Planning Commission, within the R-3 high density residential district, B-3 intermediate business district, B-4 arterial business district, and M-1 industrial district. These uses shall be subject to such additional conditions the planning commission may require in order to preserve and protect the character for the district in which the use is proposed. Wireless telecommunications facilities are not permitted in the H-1 historical district, nor any other district not included in this ordinance.

1. Site plan required. The owner or authorized agent of any property proposed for the location of a wireless transmission facility within the city limits of Rogersville, Tennessee shall prepare and submit a site plan meeting the requirements of this ordinance as follows:
2. Information showing the relationship of the proposed development to:
 - (a) The existing street system.
 - (b) Existing zoning districts within a 500' radius.
 - (c) The names and addresses of all property owners within a 500' radius.
3. The distance to and the location of the nearest adjacent wireless transmission facility.
4. A location map indicating the proposed facility and all surrounding wireless transmission facilities within a radial distance of 2500 feet.
5. The site plan approved by the planning commission shall be valid for a period not to exceed one year. If construction of the wireless transmission facility is not 80% complete within one year and completed within 18 months of the planning commission approval, the applicant shall be required to resubmit plans for appropriate review under the technical standards and review procedures applicable at the time of resubmission.

Section D. General provisions co-location design requirements. In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-locations of cellular telecommunication antennas according to the following:

1. For towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers, and
2. For towers greater than 150 feet in height but less than 195 feet, the structure and fenced compound shall be designed to accommodate at least three providers.

Section E. Co-location: Availability of suitable existing structures. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the planning commission that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
2. That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
4. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicants's proposed antenna.
5. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structure unsuitable.

Section F. Administrative approvals for co-location and alternative towers.

1. The Town of Rogersville Building Inspector may administratively approve the placement of additional antenna(s) upon towers or alternative tower structures.
2. The applicant requesting an administrative approval under this ordinance shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the locaiton and dimensions of all improvements, including topography (utilizing minimum two (2) foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses, and any other information deemed by the building inspector to be necessary to assess compliance with this ordinance and compatibility with surrounding uses.
3. Installation of an antenna on any alternative tower structure, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as such addition does not add more than twenty (20) feet to the height of the existing structure and not exceeding 195 feet for the total structure height.
4. Installation of an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and does not exceed 195 for the total structure height.

Section G. Technical standards.

1. No wireless transmission facility shall be located closer than 2500 feet of any existing wireless transmission facility except in the

instance of co-location or if proposed adjacent to a mature wireless facility (within 100 feet).

2. Towers located in the R-3 high density residential district shall be located on a single lot with a minimum frontage on a public street of 40 feet. The minimum distance from the base of a tower to any adjacent property or street right-of-way shall be equivalent to or greater than the height of the tower plus 25 feet. Except for wireless transmission facilities necessary for the proposed tower, no buildings or structures shall be located within this required "clear fall zone." All other applicable provision of the Rogersville zoning ordinance shall apply.
3. Towers located in any B-3, B-4, and M-1 zoning districts which shall be located on a lot which adjoins a residential district shall be located from any such residential district a distance equivalent to or greater than the height of the tower plus 25 feet.
4. Towers located in any B-3, B-4, and M-1, district which shall be located on a lot which does not adjoin a residential district shall be located in such a manner as set forth above unless the proposed tower is certified by a licensed structural engineer to be designed to collapse inward into itself in the event of structural failure. In such an instance the setbacks from property lines will become the outer boundary of the identified clearfall zone. In all cases, the standard setbacks established for each zone by the Rogersville zoning ordinance must be met.
5. National standards. The applicants engineer shall provide documentation that the proposed wireless transmission facility meets or exceeds the standards of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions standards.
6. Tower height and altitude restrictions. Maximum tower height shall be 195 feet. No wireless transmission facility shall extend more than 150 feet above the ridgeline or treeline of the surrounding knob areas.
7. Structural requirements. Prior to the approval of any tower in excess of thirty-five (35) feet in height, the applicant shall provide the planning commission with written certification from a registered structural engineer that the tower is able to minimally withstand winds of 70 miles per hour with ½ inch radial ice as per

the ANSI Standards and/or 100 miles per hour and/or 130 MPH windgusts, whichever is greater. For towers placed on buildings, the applicant shall also provide the planning commission such written certification plus evidence that the building itself is structurally capable of supporting the tower and its' accompanying equipment. The tower must not affect the structural integrity of the building.

8. Shared use co-location sites. The shared use of existing towers or the placement of towers less than thirty-five (35) feet in height at locations adjacent to a mature wireless facility, or wireless transmission facilities incorporated within existing power transmission line towers, shall be encouraged whenever possible.
 - (a) The applicant shall also address the extent to which shared use of the proposed tower will be allowed in the future. A letter of intent committing the tower owner and his or her successors to allow shared use of the tower, if an applicant agrees in writing to pay any reasonable charge for shared use, shall be filed in the office of the recorder of the Town of Rogersville, Tennessee to any building permit being issued.
 - (b) The applicant's plans must demonstrate how shared facilities would potentially be situated on proposed sites. Towers and/or structures shall be required to be designed for multi-tenants on the initial installation, i.e. designed for two (2) sets of a fully sectored antenna arrays.
 1. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

Section H. Development standards

- (a) A minimum 50 foot buffer strip shall be required on the outer perimeter of the property, abutting property currently zoned for residential, office, or commercial use or development. No internal roads or driveways, parking areas, structures or storage of material shall be allowed within the buffer strip.

- (b) The buffer strip shall consist of plantings and physical features sufficient to screen the view beginning at a specified level, reduce glare and noise, and provide greater privacy for nearby residential uses. The buffer shall be initially installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property from ground level substance, design, width, height, opacity, growing period to maturity, time schedule for installation and responsibility for perpetual maintenance of the buffer strip shall be submitted to and approved by the planning commission.
 - (c) The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the planning commission, meet the intent and purpose of this section. In instances where significant physical features exist (i.e. railroads, major roads, hillsides, preserved wooded areas, and utility easements, etc.) Which in the opinion of the planning commission provide adequate buffering between land uses, the existing buffers may be used to meet landscaping provisions of this section.
2. Off-street parking. Off-street parking space shall be provided for each wireless transmission facility.
 3. Lighting. Outside lighting, if required for safety and security purposes shall be arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The planning commission may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed 0.4 foot candles measured at the property line of abutting property zoned for residential use or development. Wireless transmission facilities shall not be artificially lighted unless required by the Federal Aviation Administration or other governmental authority.
 4. Signs. Signs identifying the wireless transmission facility may be allowed providing such signs:
 - (a) Do not exceed 10 square feet.
 - (b) Are not illuminated.
 - (c) Comply with all other requirements of the Town of Rogersville Zoning Regulations.

5. Vehicle access control. The location and design of driveways and/or accesses to reach the facility from a public street shall be approved by the Rogersville Regional Planning Commission.
6. Erosion control and stormwater management. The control of erosion during development and the design of drainage systems suitable to handle stormwater runoff after the site is developed shall be approved by the Rogersville Regional Planning Commission upon recommendation of the town engineer.
7. Noise. The intensity level of sound from the wireless transmission facility including temporary generators used during extended power outages, measured at the property line of abutting property zoned for residential use of development, shall not at any time exceed 70 decibels.
8. The Rogersville Regional Planning Commission shall have the authority to require additional landscaping, buffering, screening, parking or other physical features when it is determined as necessary to insure the compatibility of the proposed use with existing and future surrounding land uses, or in order to protect the health, safety, and welfare of the residents of Rogersville, Tennessee.
9. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
10. Security fencing/anti-climbing devices. All towers and supporting equipment shall be enclosed by fencing not less than ten (10) feet in height and shall be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative. Amateur radio towers and antennas shall not be subject to the provisions of this section unless required by the Rogersville Regional Planning Commission.
11. Aesthetics. The guidelines set forth in this section shall govern the design and construction of all towers, and the installation of antennas, governed by this ordinance.
 1. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.

2. Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 3. No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within the Town of Rogersville.
 4. Change of ownership. Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permit holder shall notify the building inspector of the transaction in writing within 30 days.
12. Buildings or other equipment storage. The equipment cabinet, accessory structure, or enclosure shall not contain more than two hundred (200) square feet of gross floor area or be more than 12 feet in height for each carrier using the site.

Section I. Inspections.

1. The user shall provide the Rogersville Regional Planning Commission with a letter of certification from the design engineers (electrical, structural, civil) indicating that the wireless transmission facility was constructed according to the plans approved by the Rogersville Regional Planning Commission. The letter shall be submitted within 30 days of completion of the facility.
2. The user shall provide the Rogersville Regional Planning Commission with a copy of the Town of Rogersville, Tennessee Electrical Inspector Report, which ensures that the user met code requirements during construction of the facility.
3. The user shall provide the Rogersville Regional Planning Commission with a certified copy of the engineer's annual inspection report, which includes, but is not limited to the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of the bolts, and a plan to correct any deficiencies.

Section J. Required demolition. Any approved wireless transmission facility not utilized as an active wireless transmission for a period exceeding twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within ninety (90) days of receipt or notice. If said tower or antenna is not removed within said ninety (90) days, the governing authority may require removal of said structure.

Section K. Surety bond. The applicant shall post a surety bond for the amount of the wireless transmission facility demolition, after all approvals from the required governing boards and prior to the required building permit.

Section L. Public facilities. Wireless transmission facilities used exclusively for use by the Town of Rogersville, Tennessee of the State of Tennessee, or the United States of America may exceed the height limitations of this ordinance with documented need. (Ord. #04-9-02-1, June 2002)

APPENDIX A

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVESSection A. Statutory authorization

The Legislature of the State of Tennessee has in sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Rogersville, Tennessee Board of Mayor and Aldermen does ordain as follows:

Section B. Findings of fact

1. The Rogersville Mayor and Commission wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(b) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 edition) and subsequent amendments.
2. Areas of Rogersville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

Section D. Objectives

The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
7. To ensure that potential buyers are notified that property is in a floodable area; and
8. To establish eligibility for participation in the National Flood Insurance Program.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 43 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the building official's interpretation of any provision of this ordinance or a request for a variance.

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

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

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

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

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building," for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

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

"Elevated building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

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

"Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulations, order or other determination made or issued pursuant to this ordinance.

"Existing construction" any structure for which the "start of construction" commenced before the effective date of this ordinance.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"Existing structures" see "existing construction"

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

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

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

"Flood hazard boundary map (FHBM)" means an official map of a community on which the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the

areas of special flood hazard and the risk premium zones applicable to the community.

"Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood boundary map and the water surface elevation of the base flood.

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

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

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

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

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

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

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion

damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

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

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior, or
- b. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

"New construction" any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is compiled on or after the effective date of this ordinance.

"100-year flood" see "base flood."

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor

does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

"Structure," for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure.

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

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

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

"Water surface elevation" means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3. GENERAL PROVISIONS

Section A. Application

This chapter shall apply to all areas within the incorporated area of Rogersville, Tennessee.

Section B. Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified on the Rogersville, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470086 0004C; Effective Date: July 19, 1993 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this ordinance. These areas shall be incorporated into the Rogersville, Tennessee Zoning Map.

Section C. Requirement for development permit

A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.

Section D. Compliance

No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and greater restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and disclaimer of liability

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

Section H. Penalties for violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Rogersville, Tennessee from taking such lawful actions to prevent or remedy any violations.

ARTICLE 4. ADMINISTRATION

Section A. Designation of building inspector

The building inspector is hereby appointed to administer and implement the provisions of this ordinance.

Section B. Permit procedures

Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation is available.*
- c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available.*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

*(see 2. below)

2. Construction stage

Within unnumbered A zones, where flood elevation data are not available, building inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed references exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the building inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and responsibilities of the building inspector

Duties of the building inspector shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including

basement) of all new or substantially improved buildings, in accordance with Article 4. Section B.2.

5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4. Section B.2.
6. When flood-proofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect in accordance with Article 4. Section B.2.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Article 4. Section B.

9. All records pertaining to the provisions of this ordinance shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction, or improvements to a building which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this chapter; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not extended.

Section B. Specific standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Article 3. Section B, the following provisions are required:

1. Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5. Section B.3.
2. Non-residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official as set forth in Article 4. Section B.2.
3. Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage or maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article 5. Section B. of this chapter.
4. Standards for manufactured homes and recreational vehicles
 - a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all requirements of new construction, including elevation and anchoring.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
 - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

- iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home place or substantially improved must meet the standards of Article 5. Section B.4.b.i. and ii, above.
- c. All recreational vehicles placed on sites must either:
- i. Be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use; or
 - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5, Section B.4.a. or b. i. and ii. above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article 4, Section C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

Section C. Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

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

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

Section D. Standards for areas of shallow flooding (AO and AH zones)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:
 - a. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - b. Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section E. Standards for areas protected by flood protection system (A-99 zones)

Located within the areas of special flood hazard established in Article 3. Section B. are areas of the 100-year flood protected by a flood protection system which

is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 zones) the following provisions apply:

1. All provisions of Article 4. And Article 5. Section A. and G. shall apply.

Section F. Standards for areas of special flood hazard with established base flood elevation and with floodways designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data and floodways provided, the following provisions shall apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. If Article 5. Section F.1. above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

Section G. Standards for unmapped streams

Located within Rogersville, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.

2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 4. Section B.2.

Section C. Standards for subdivision proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

Article 6. VARIANCE PROCEDURES. The provisions of this section shall apply exclusively to areas of special flood hazard.

Section A. Board of zoning appeals

1. The Rogersville board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.
 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for variances

1. Variances shall be issued upon a determination that the variances is the minimum relief necessary, considering the flood hazard; and in the

instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The building inspector shall maintain the records of all appeal actions and report any variances to the federal emergency management agency upon request.

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ORDINANCE NO 8-14-07-1

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF ROGERSVILLE TENNESSEE.

WHEREAS some of the ordinances of the Town of Rogersville are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Rogersville, 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 "Rogersville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ROGERSVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town 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 "Rogersville Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

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portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; 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 town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

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Passed 1st reading, August 14, 2007.

Passed 2nd reading, September 11, 2007.

Passed 3rd reading, October 9, 2007.



Mayor



Recorder