

**THE  
SOUTH FULTON  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

June 1994

Change 1, December 12, 1996

**CITY OF SOUTH FULTON, TENNESSEE**

**MAYOR**

Kent Greer

**VICE MAYOR**

Hubert Maynard

**COMMISSIONERS**

Norris Dame  
Elmer Mansfield  
Robert Vanderford

**MANAGER**

Oscar Priest

**RECORDER**

Debbie Beadles

## Preface

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).

- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

Steve Lobertini  
Codification Specialist

Change 1, December 12, 1996

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

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of South Fulton as follows:" (6-20-214)
3. Ordinance procedure
  - (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinances not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.
  - (b) An ordinance shall not take effect until fifteen (15) days after its first passage except for an emergency ordinance which may become effective upon the day of its final passage, provided it specifies and details the emergency. The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.
  - (c) No ordinance making a grant, etc., of a franchise, etc., or regulating certain aspects of the operation of the same shall be passed as an emergency ordinance.
  - (d) No ordinance shall be amended except by a new ordinance. (6-20-215)
4. Each penal ordinance, or its caption, is required to be published in a newspaper of general circulation in the city. Without such publication the ordinance is ineffective. (6-20-218)

**TITLE 1**

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

**CHAPTER**

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. RECORDER AND TREASURER.
4. CITY MANAGER.
5. ELECTIONS.
6. WARDS.

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<sup>1</sup>Charter reference

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.

Water and sewers: title 18.

Zoning: title 14.

## CHAPTER 1

### BOARD OF COMMISSIONERS<sup>1</sup>

#### SECTION

1-101. Time and place of regular meetings.

1-102. Order of business.

1-103. General rules of order.

**1-101. Time and place of regular meetings.** The board of commissioners shall hold regular monthly meetings at 5:00 P.M. on the second Thursday of each month at the city hall. (1985 Code, § 1-101, as amended by Ord. #95-6, Nov. 1995)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.

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#### <sup>1</sup>Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.

Appointment and removal of city manager: § 6-21-101.

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Subordinate officers and employees: § 6-21-102.

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.

- (6) Reports from the city manager, committees, members of the board of commissioners, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1985 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 commissioners 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. (1985 Code, § 1-103, modified)



## CHAPTER 2

### MAYOR<sup>1</sup>

#### SECTION

1-201. Duties and powers.

**1-201. Duties and powers.**<sup>2</sup> The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him by any ordinances duly enacted by the board of commissioners, consistent with the charter. (1985 Code, § 1-201)

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<sup>1</sup>Charter reference

For general charter provisions dealing with the election and duties of the mayor and vice mayor, see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

<sup>2</sup>Charter references

For detailed provisions of the charter outlining the election, power and duties of the mayor see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly, §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:

Election: § 6-20-201.

General duties: §§ 6-20-213 and 6-20-219.

May introduce ordinances: § 6-20-213.

Presiding officer: §§ 6-20-209 and 6-20-213.

Seat, voice and vote on board: § 6-20-213.

Signs journal, ordinances, etc.: § 6-20-213.

**CHAPTER 3****RECORDER AND TREASURER<sup>1</sup>****SECTION**

1-301. Duties and powers.

**1-301. Duties and powers.** The recorder and treasurer shall perform all administrative and financial duties assigned by the city manager or provided by the board of commissioners consistent with the charter. (1985 Code, § 1-401)

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<sup>1</sup>Charter references

For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly § 6-22-119.

## CHAPTER 4

### CITY MANAGER<sup>1</sup>

#### SECTION

1-401. Duties and powers.

1-402. Limitation on expenditures.

**1-401. Duties and powers.**<sup>2</sup> The city manager shall be the chief administration officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes and shall perform all other duties required of him pursuant to the charter. (1985 Code, § 1-301)

**1-402. Limitation on expenditures.** Pursuant to Tennessee Code Annotated, § 6-21-108(8), the city manager is authorized to make purchases without prior approval of the board of commissioners in an amount not to exceed one thousand dollars (\$1,000). Purchases made in excess of one thousand dollars (\$1,000) without the specific authority of the board of commissioners shall not be binding upon the City of South Fulton. (1985 Code, § 1-302)

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<sup>1</sup>Charter reference

For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly § 6-21-101.

<sup>2</sup>Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

**CHAPTER 5**

**ELECTIONS<sup>1</sup>**

**SECTION**

1-501. Qualifications.

**1-501. Qualifications.** Henceforth upon passage of this ordinance,<sup>2</sup> no person shall vote in South Fulton city elections unless they are a registered voter who lives in the 16th Civil District of Obion County, Tennessee, and has as their residence an address located inside the corporate limits of the City of South Fulton. All persons voting in the city elections in the City of South Fulton, Tennessee shall vote in the ward in which they reside. (1985 Code, § 1-1201, as repealed and replaced by Ord. #96-9, Aug. 1996)

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<sup>1</sup>See Ordinance #95-8 of record in the office of the recorder for an ordinance to adjust the voting for members of the city commission as a result of a redistricting plan.

<sup>2</sup>These provisions were taken from Ordinance #96-9 which passed final reading in August 1996.

**CHAPTER 6**

**WARDS**

**SECTION**

1-601. Established.

1-602. Population.

1-603. Legal description.

1-604. Copy of ordinance to Obion County Election Commission.

**1-601. Established.** There is created and established voting districts in the City of South Fulton of substantially equal population based upon the 1990 United States Census of population for the City of South Fulton, Tennessee. (Ord. #94-2, § 1, March 1994)

**1-602. Population.** The population of each district is as follows:

(1)	District 1	--	531
(2)	District 2	--	535
(3)	District 3	--	561
(4)	District 4	--	531
(5)	District 5	--	530 (Ord. #94-2, § 2, March 1994)

**1-603. Legal description.** The legal descriptions of the five districts are as follows:

**WARD 1**

Beginning at a point on the eastern corporate limits line of the city of South Fulton as existing February 1, 1994, said point also being the intersection of the corporate limits line with the eastern most point of the state line dividing Tennessee and Kentucky; thence in a westerly direction following the corporate limits line, as it coincides with the state line, to its intersection with Church Street; thence in a southerly direction with Church Street to its intersection with College Street; thence in a westerly direction with College Street to its intersection with Taylor Street; thence in a southerly direction with Taylor Street to its intersection with Tennessee Street; thence in an easterly direction with Tennessee Street to its intersection with Oak Street; thence in a southerly direction with Oak Street to its intersection with Key Street; thence in a westerly direction with Key Street to its intersection with Taylor Street; thence in a southerly direction with Taylor Street to its intersection with Enterprise Street; thence in a southeasterly direction from the intersection of Taylor Street and Enterprise Street to the Illinois Central Railroad track; thence in a

northeasterly direction along the Illinois Central Railroad track to a point, said point being where the Illinois Central Railroad spur track runs to the south of census block 325 as shown on 1990 census map of South Fulton; thence in a northeasterly direction along the spur track of the Illinois Central Railroad to its intersection with Harris Fork Creek; thence in a northeasterly direction along Harris Fork Creek to its intersection with Harris Road; thence in a northerly direction along Harris Road to its intersection with College Street; thence in an easterly direction along College Street to its intersection with Williams Street; thence in a southerly direction with Williams Street to its intersection with the spur track of the Illinois Central Railroad; thence in a easterly direction with the spur track of the Illinois Central Railroad to its intersection with Broadway Street (U.S. Hwy 45 E); thence in a northerly direction along Broadway Street (U.S. Hwy 45 E) to its intersection with Harris Fork Creek; thence in a easterly direction along Harris Fork Creek to its intersection with Central Avenue; thence in southerly direction along Central Avenue to its intersection with the spur track of the Illinois Central Railroad; thence in a easterly direction along the spur track of the Illinois Central Railroad to its intersection with Forrest Dale Avenue; thence in a northerly direction along Forrest Dale Avenue to its intersection with Harris Fork Creek; thence in an easterly direction along Harris Fork Creek to its intersection with the Illinois Central Railroad which runs in a northwesterly/southeasterly direction; thence in a southeasterly direction along the Illinois Central Railroad to a point, said point being where the Illinois Central Railroad, E. Collinwood Street, and the corporate limits line intersect; thence in an easterly, then northerly direction following the corporate limits line back to the point of beginning.

## WARD 2

Beginning at a point on the northern corporate limits line of the city of South Fulton as existing on February 1, 1994, said point also being the intersection of the corporate limits line/state boundary line with Church Street; thence in a southerly direction with Church Street to its intersection with College Street; thence in a westerly direction with College Street to its intersection with Taylor Street; thence in a southerly direction with Taylor Street to its intersection with Tennessee Street; thence in an easterly direction with Tennessee Street to its intersection with Oak Street; thence in a southerly direction with Oak Street to its intersection with Key Street; thence in a westerly direction with Key Street to its intersection with Taylor Street; thence in a southerly direction with Taylor Street to its intersection with Enterprise Street; thence in a southeasterly direction from the intersection of Taylor Street and Enterprise Street to the Illinois Central Railroad track; thence in a northeasterly direction along the Illinois Central Railroad track to a point, said point being where the Illinois Central Railroad spur track runs to the south of census block 325 as shown on

the 1990 census map of South Fulton; thence in a northeasterly direction along the spur track of the Illinois Central Railroad to its intersection with Harris Fork Creek; thence in a northeasterly direction along Harris Fork Creek to its intersection with Harris Road; thence in a southerly direction with Harris Road to its intersection with Kings Road; thence in an easterly direction with Kings Road to its intersection with Circle Drive; thence following Circle Drive in a southerly direction to its intersection with Jolley Street; thence in a northerly direction along Jolley Street to its intersection with Circle Drive; thence in an easterly direction along Circle Drive to its intersection with Seigel Street; thence following Seigel Street in a southerly then northerly direction to its intersection with W. Paducah Street; thence in an easterly direction along W. Paducah Street to its intersection with Broadway Street (U.S. Hwy 45 E); thence in a southerly direction along Broadway Street (U.S. Hwy 45 E) to its intersection with State Hwy 215, thence in a westerly northwesterly direction along State Hwy 215 to its intersection with the Illinois Central Railroad track; thence in a northerly direction along the Illinois Central Railroad track, this track being the eastern boundary for census block 313 as shown on the 1990 U.S. census map for the city of South Fulton, to the intersection with the corporate limits line, thence in an easterly direction following the corporate limits line to the point of beginning.

### WARD 3

Beginning at a point, said point being the intersection of Harris Road and College Street west of U.S. Hwy 45 E; thence in an easterly direction along College Street to its intersection with Williams Street; thence in a southerly direction with Williams Street to its intersection with the spur track of the Illinois Central Railroad; thence in an easterly direction with the spur track of the Illinois Central Railroad to its intersection with Broadway Street (U.S. Hwy 45 E); thence in a northerly direction along Broadway Street (U.S. Hwy 45 E) to its intersection with Harris Fork Creek; thence in an easterly direction along Harris Fork Creek to its intersection with Central Avenue; thence in a southerly direction along Central Avenue to its intersection with the spur track of the Illinois Central Railroad; thence in an easterly direction along the spur track of the Illinois Central Railroad to its intersection with Forrest Dale Avenue; thence in a northerly direction along Forrest Dale Avenue to its intersection with Harris Fork Creek; thence in an easterly direction along Harris Fork Creek to its intersection with the Illinois Central Railroad which runs in a northwesterly/southeasterly direction; thence in a southeasterly direction along the Illinois Central Railroad to a point; said point being where the Illinois Central Railroad, E. Collinwood Street, and the corporate limits line intersect; thence in a westerly direction along E. Collinwood Street to its intersection with Broadway Street (U.S. Hwy 45 E); thence in a southerly direction along Broadway Street (U.S. Hwy 45 E) to its intersection with W. Paducah Street;

thence in a westerly direction along W. Paducah Street to its first intersection with Siegel Drive; thence in southerly then northerly direction along Siegel Drive to its intersection with Circle Drive; thence in a westerly direction along Circle Drive to its intersection with Jolley Street; thence following Jolley Street in a southerly direction to its intersection with Circle Drive; thence in a northerly direction along Circle Drive to its intersection with Kings Road; thence in a westerly direction along Kings Road to its intersection with Harris Road; thence in a northerly direction along Harris Road to the point of beginning.

#### WARD 4

Beginning at a point, said point being the intersection of E. Collinwood Street, Illinois Central Railroad, and the corporate limits line for the City of South Fulton as existing February 1, 1994; thence in a westerly direction along E. Collinwood Street to its intersection with Covington Avenue; thence in a southerly direction along Covington Avenue to its intersection with E. Paducah Street; thence in a easterly direction along E. Paducah Street to its intersection with Forrest Dale Avenue; thence in a southerly direction along Forrest Dale Avenue to its intersection with McKinney Street; thence in an easterly direction along McKinney Street to a point, said point being the intersection of McKinney Street, Honey Locust Street, and the corporate limits line; thence in an easterly, then northerly direction following the corporate limits line to the point of beginning.

#### WARD 5

Beginning at a point, said point being the intersection of E. Collinwood Street and Broadway Street (U.S. Hwy 45 E); thence in a southerly direction along Broadway Street (U.S. Hwy 45 E) to its intersection with State Hwy 215; thence in a westerly northwesterly direction along State Hwy 215 to its intersection with the Illinois Central Railroad track; thence in a northerly direction along the Illinois Central Railroad track, this track being the eastern boundary for census block 313 as shown on the 1990 U.S. census map for the City of South Fulton, to the intersection with the corporate limits line; thence in a westerly direction following the corporate limits line to its intersection with Rogers Road; thence in a southerly direction along Rogers Road (corporate limits line) to a point, said point being the southwestern most point on the corporate limits line as existing February 1, 1994; thence in an easterly southeasterly direction following the corporate limits line to its intersection with Broadway Street (U.S. Hwy 45 E); thence in an easterly direction, then northerly, then westerly, then northerly direction following the corporate limits line to a point, said point being the intersection of the corporate limits line, Honey Locust Street, and McKinney



Street; thence in a westerly direction along McKinney Street to its intersection with Forrest Dale Avenue; thence in a northerly direction along Forrest Dale Avenue to its intersection with E. Paducah Street; thence in a westerly direction along E. Paducah Street to its intersection with Covington Avenue; thence in a northerly direction along Covington Avenue to its intersection with E. Collinwood Street; thence in a westerly direction along E. Collinwood Street to the point of beginning. (Ord. #94-2, § 3, March 1994)

**1-604. Copy of ordinance to Obion County Election Committee.**

The Obion County Election Commission shall receive a copy of this ordinance and that the Obion County Election Commission is hereby requested to set up and provide instruction for election by districts at the earliest time possible. (Ord. #94-2, § 4, March 1994)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**[RESERVED FOR FUTURE USE]**

**TITLE 3****MUNICIPAL COURT<sup>1</sup>****CHAPTER**

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

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

3-101. City judge.

**3-101. City 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 city judge. (1985 Code, § 1-701)

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<sup>1</sup>Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1985 Code, § 1-702)

**3-202. Imposition of fines, penalties, and costs.** (1) All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases plus one dollar (\$1.00).

(2) The sum of THREE DOLLARS is to be added to the court costs of each case tried before the City Court.

The Three Dollars so collected shall be used to help fund the City's DARE program.

The City of South Fulton Police Department's DARE Fund Administrator shall make disbursements from the DARE fund at his discretion, as to best benefit the local DARE program, according to a system of guidelines established by the state Comptroller.

The DARE Fund Administrator shall be responsible for all record keeping in regard to the DARE fund, and shall be accountable to the state Comptroller for all reports to that office.

The accounting of all activity of the DARE fund shall be included in the annual fiscal year-end audit each year conducted by the state Comptroller's office. (1985 Code, § 1-708, as amended by Ord. #94-1, March 1994)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

**3-203. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of commissioners 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. (1985 Code, § 1-711)

**3-204. Disturbance of proceedings.** It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1985 Code, § 1-712)

**3-205. Trial and disposition of cases.** Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1985 Code, § 1-706)

## 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.**<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1985 Code, § 1-703)

**3-302. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1985 Code, § 1-704)

**3-303. Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1985 Code, § 1-705)

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<sup>1</sup>State law reference

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

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

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

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

<u>OFFENSE</u>	<u>BOND</u>
Improper turn	\$ 25.00
Speeding	25.00
Improper take-off	25.00
Running red light	25.00
Stop sign	25.00
Passing on right	25.00
Unnecessary noise	25.00
No driver's license	25.00
No city tag	25.00
Selling beer after hours	50.00
Possession of liquor--known bootlegger	50.00
Possession of liquor	35.00
Public intoxication	25.00
Disturbing the peace	50.00
Fighting	50.00
Disorderly conduct	50.00
Resisting arrest	50.00
Fighting an officer	50.00
Cursing an officer	50.00
Interfering with duty of officer	50.00
Discharging firearms in city limits	25.00
Assault & battery	50.00
Malicious mischief	30.00
Destroying private property	50.00

<u>OFFENSE</u>	<u>BOND</u>
False emergency alarm	40.00
Failure to appear in court	50.00
Allowing minors in beer places	50.00
Minors in beer places	25.00
Bond for all offenses not listed above is	50.00

Bond shall be made and accepted by depositing cash or by the offender obtaining two bondsmen owning property within the County of Obion. (1985 Code, § 1-707)

**3-402. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>1</sup> (1985 Code, § 1-709)

**3-403. Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1985 Code, § 1-710)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.



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

1. SOCIAL SECURITY.
2. MISCELLANEOUS PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. 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 to be made.
- 4-106. Exclusions of coverage due to another retirement system.
- 4-107. 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 this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1985 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. (1985 Code, § 1-902)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees 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. (1985 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. (1985 Code, § 1-904)

**4-105. Records and reports to be made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1985 Code, § 1-905)

**4-106. Exclusion of coverage due to another retirement system.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee now covered or authorized to be covered by another ordinance creating any retirement system for any employee of the city. (1985 Code, § 1-906)

**4-107. 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 not authorized to be covered by applicable state or federal laws or regulations. (1985 Code, § 1-907)

## CHAPTER 2

### MISCELLANEOUS PERSONNEL REGULATIONS

#### 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.
- 4-208. Mandatory retirement age.

**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 municipality. (1985 Code, § 1-1101)

**4-202. Acceptance of gratuities.** No city officer or employee shall accept any money or other consideration or favor from anyone other than the city 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 city business. (1985 Code, § 1-1102)

**4-203. Outside employment.** No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the city manager. The city manager 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 municipality. (1985 Code, § 1-1103)

**4-204. Political activity.** Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1985 Code, § 1-1104, modified)

**4-205. Use of municipal time, facilities, etc.** No city 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. Provided, however, that this prohibition shall not apply where the city manager has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1985 Code, § 1-1105)

**4-206. Use of position.** No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1985 Code, § 1-1106)

**4-207. Strikes and unions.** No city officer or employee shall participate in any strike against the city, 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. (1985 Code, § 1-1107)

**4-208. Mandatory retirement age.** When an employee of the City of South Fulton reaches the age of sixty-five (65), it shall be mandatory for that person to retire. (1985 Code, § 1-1108)

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

4-301. Program established.

4-302. City manager designated program director.

4-303. Program standards.

4-304. Effective date of plan.

**4-301. Program established.** There be and is hereby created a safety and health program for the employees of the City of South Fulton, Tennessee, and it shall be known as the "Occupational Safety and Health Program for the Employees of the City of South Fulton, Tennessee." (1985 Code, § 1-1001)

**4-302. City manager designated program director.** The city manager shall be the director and will establish and implement a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972, and which shall encompass the issues and standards which have been promulgated by applicable state standards. (1985 Code, § 1-1002)

**4-303. Program standards.** This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

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

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

(3) The director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.

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

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

(6) The director or his authorized representative shall upon any allegation of imminent danger, immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case, he or his authorized representative shall immediately implement an investigation to determine facts and if corrective action is warranted, proceed at once.

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

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

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

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

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

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

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

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

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

(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before May 1, 1974. (1985 Code, § 1-1003)

**4-304. Effective date of plan.** The plan, upon its approval by the Tennessee Department of Labor shall become effective to the City of South Fulton and at this time shall become a part of this chapter as fully and completely as if set out herein. (1985 Code, § 1-1004)

## CHAPTER 4

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-401. Enforcement.
- 4-402. Travel policy.
- 4-403. Travel reimbursement rate schedules.
- 4-404. Administrative procedures.

**4-401. Enforcement.** The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #93-5, Oct. 1993)

**4-402. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

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



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

(b) actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #93-5, Oct. 1993)

**4-403. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #93-5, Oct. 1993)

**4-404. Administrative procedures.** The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #93-5, Oct. 1993)

## TITLE 5

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

#### CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. HOTEL/MOTEL TAX.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 5-101. Official depositories for city funds.
- 5-102. Fiscal year of the city.

**5-101. Official depositories for city funds.**<sup>2</sup> The following banks are designated as official depositories for the funds of the City of South Fulton in such accounts as the board of commissioners may from time to time designate by resolution:

The Fulton Bank of Fulton, Kentucky

The City National Bank of Fulton, Kentucky

The Farmers Exchange Bank of South Fulton, Tennessee

The city manager shall ascertain and so advise the board of commissioners if any of the designated depositories do not meet the standards imposed by Tennessee Code Annotated, § 6-22-102. (1985 Code, § 6-401)

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

<sup>2</sup>Charter reference

Tennessee Code Annotated, § 6-22-120 prescribes depositories for city funds.

**5-102. Fiscal year of the city.** The fiscal year for the City of South Fulton shall begin on the first day of July and shall end on the last day of June (inclusive) of the year thereafter.<sup>1</sup> (1985 Code, § 6-402)

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-22-121 provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.

## CHAPTER 2

### REAL PROPERTY TAXES<sup>1</sup>

#### SECTION

5-201. When due and payable.

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

**5-201. When due and payable.**<sup>2</sup> Taxes levied by the city against real property shall become due and payable on the first day of October of the year. (1985 Code, § 6-101)

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<sup>1</sup>State law references

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

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

<sup>2</sup>Charter references

Tennessee Code Annotated, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

**5-202. ~~When delinquent--penalty and interest.~~**<sup>1</sup> On the first day of March following the due date of taxes, a penalty of two percent (2%) upon all taxes remaining unpaid shall be imposed. An alternate penalty of two percent (2%) shall be added the first day of each month thereafter for twelve (12) months. (1985 Code, § 6-102)

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

## CHAPTER 3

### PRIVILEGE TAXES

#### SECTION

5-301. Tax levied.

5-302. License required.

5-303. Exemption.

**5-301. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1985 Code, § 6-201)

**5-302. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1985 Code, § 6-202)

**5-303. Exemption.** Any person whose place of business is located in or based within the corporate limits of the City of Fulton, however, shall be exempted from the requirements of this chapter so long as they have a valid occupational license for said business from Fulton, Kentucky. (Ord. #86-3, June 1986)

**CHAPTER 4****WHOLESALE BEER TAX****SECTION**

5-401. To be collected.

**5-401. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1985 Code, § 6-301)

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<sup>1</sup>State law reference

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

## CHAPTER 5

### HOTEL/MOTEL TAX

#### SECTION

5-501. Tax levied.

5-502. Proceeds to be placed in the general fund.

5-503. City recorder to collect.

5-504. Mayor to accept suits.

**5-501. Tax levied.** The tax is to be 5% of the consideration charged each transient. (Ord. #91-2, June 1991)

**5-502. Proceeds to be placed in the general fund.** The proceeds received by the city shall be placed in the general fund of the city and are to be used for the benefit of the citizens of South Fulton, Tennessee. (Ord. #91-2, June 1991)

**5-503. City recorder to collect.** The city recorder shall be the collector of this occupancy tax, and shall have the duty to collect this occupancy tax and shall have the duty to deposit the proceeds in the general fund of the City of South Fulton, Tennessee. (Ord. #91-2, June 1991)

**5-504. Mayor to accept suits.** The Mayor of the City of South Fulton, Tennessee shall be the officer to accept service of any suit brought in accordance with Tennessee Code Annotated, § 67-4-1410. (Ord. #91-2, June 1991)



**TITLE 6****LAW ENFORCEMENT**<sup>1</sup>**CHAPTER**

1. POLICE AND ARREST.
2. WORKHOUSE.

**CHAPTER 1****POLICE AND ARREST****SECTION**

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

**6-101. Police officers subject to chief's orders.** Police officers shall obey and comply with such orders and administrative rules and regulations as the chief of police may officially issue. (1985 Code, § 1-601)

**6-102. Police officers to preserve law and order, etc.** Police officers shall preserve law and order within the municipality. They shall patrol the municipality 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. (1985 Code, § 1-602)

**6-103. Police officers to wear uniforms and be armed.** Police officers shall wear such uniform and badge as the board of commissioners shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief of police for a special assignment. (1985 Code, § 1-603)

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<sup>1</sup>Charter reference

Police chief and police department: §§ 6-21-601--6-21-604.

Municipal code reference

Department of public safety: title 20, chapter 1.

**6-104. When police officers to make arrests.**<sup>1</sup> Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1985 Code, § 1-604)

**6-105. Police officers may require assistance in making arrests.** It shall be unlawful for any male person to willfully refuse to aid a police officer 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. (1985 Code, § 1-605)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1985 Code, § 1-606)

**6-107. Police department records.** The safety 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 department. (1985 Code, § 1-607)

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<sup>1</sup>Municipal code reference

Issuance of traffic citations: title 15, chapter 7.

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

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

**6-201. County workhouse to be used.** The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1985 Code, § 1-801)

**6-202. Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1985 Code, § 1-802)

**6-203. Compensation of inmates.** Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him.<sup>2</sup> (1985 Code, § 1-803)

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<sup>1</sup>Charter reference

City judges authority to commit offenders to the workhouse:  
§ 6-21-502.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 40-24-104.

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS**

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. MUTUAL AID AGREEMENTS.
5. RURAL FIRE AID FUND.

**CHAPTER 1**

**FIRE DISTRICT<sup>1</sup>**

**SECTION**

7-101. Fire district designated.

**7-101. Fire district designated.** The corporate fire district shall be the area zoned B-2 (Central Business District) on the official zoning map of the city.<sup>2</sup> (1985 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>The zoning ordinance and the zoning map are of record in the recorder's office.

## CHAPTER 2

### FIRE CODE<sup>1</sup>

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. 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 Standard Fire Prevention Code,<sup>2</sup> 1994 edition with 1995 revisions, as recommended by the Southern Standard Building Code Congress International, Inc., is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1985 Code, § 7-201, modified, as amended by Ord. #96-6, July 1996, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the director of public safety. He shall have the same powers as the state fire marshal. (1985 Code, § 7-202)

**7-203. Definition of "municipality."** Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of South Fulton, Tennessee. (1985 Code, § 7-203)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

**7-204. Storage of explosives, flammable liquids, etc.** (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The district referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(3) The district referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(4) The district referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this code. (1985 Code, § 7-204)

**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 any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1985 Code, § 7-205)

**7-206. Variances.** The chief of the fire department may recommend to the board of commissioners 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 commissioners. (1985 Code, § 7-206)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of commissioners 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. (1985 Code, § 7-207)

## CHAPTER 3

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

#### SECTION

- 7-301. Establishment and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.

**7-301. Establishment and membership.** There is hereby established a fire department. The department shall be composed of a chief of the fire department appointed by the city manager and such number of physically-fit subordinate public safety officers as the city manager shall appoint. (1985 Code, § 7-301)

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#### <sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

##### Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshall: § 6-21-704

##### Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

#### Municipal code reference

Department of public safety: title 20, chapter 1.

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

**7-302. Objectives.** The fire department shall have as its objectives, in addition to those contained in title 20, chapter 1 of this code, the following:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1985 Code, § 7-302)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the department. (1985 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the city manager once each month, and at the end of the year a detailed annual report shall be made. (1985 Code, § 7-304)



## CHAPTER 4

### MUTUAL AID AGREEMENTS

#### SECTION

7-401. Mutual aid agreements.

**7-401. Mutual aid agreements.** The Mayor of South Fulton, Tennessee is authorized and empowered to enter into "Mutual Aid Fire Protection Interlocal Agreements" on behalf of the City of South Fulton.

The city manager is designated and directed to be the official representative of the City of South Fulton to the joint board created to carry out the power of such mutual aid agreements as provided for herein. (1985 Code, § 7-401)

## CHAPTER 5

### RURAL FIRE AID FUND

#### SECTION

- 7-501. Service fee.
- 7-502. Fund established.
- 7-503. Annual fee--proof of insurance required.
- 7-504. Money received from fees to be placed in general fund.
- 7-505. Volunteers responding to fire calls.
- 7-506. Duties of fire chief.
- 7-507. Fire chief to dispatch personnel and apparatus.
- 7-508. City to answer calls requested by Tennessee State Highway Patrol or the sheriff's department.
- 7-509. Department not to answer calls not covered in this chapter.
- 7-510. City to inform subscribers that payment of fee is not the only requirement for fire service.

**7-501. Service fee.** Individuals wishing to participate in the rural fire program shall be required to pay an annual rural fire service fee and to pay a \$500.00 service fee for each rural fire call. (Ord. #90-6, June 1990)

**7-502. Fund established.** The rural fire service program shall be self-sufficient and not requiring direct revenues from other municipal funds and such fund shall be established as a separate account in the city's funds and shall be called the Rural Fire Service Fund. (Ord. #90-6, June 1990)

**7-503. Annual fee--proof of insurance required.** An annual fee of \$25.00 must be paid by each individual desiring rural fire service. In addition, each rural fire service subscriber must show proof of insurance which will pay the city \$500.00 for each time the city's fire equipment is called to the subscriber's property. (Ord. #90-6, June 1990)

**7-504. Money received from fees to be placed in general fund.** The \$25.00 annual fee from each subscriber plus \$200.00 of the \$500.00 received on each call shall be placed in the Rural Fire Service Fund. The other \$300.00 received on the call shall be placed in the general fund. (Ord. #90-6, June 1990)

**7-505. Volunteers responding to fire calls.** Volunteers responding to rural fire calls shall be paid from the Rural Fire Service Fund. The city commissioners may also expend money from the Rural Fire Service Fund as they deem to be in the best interests of the city. (Ord. #90-6, June 1990)

**7-506. Duties of fire chief.** The fire chief shall be responsible for posting a list of authorized rural fire service subscribers. The fire chief will also be responsible to inform the proper insurance agent of the fire call and to keep up with the time the insurance agent expects the arrival of the \$500.00 and to inform the subscriber.

The fire chief shall send each insurance agent insuring subscribers a list of subscribers that agent covers. This list shall be sent out not less than every three months and the fire chief shall then check with said agent to determine if any deletions or additions should be made on the posted list of authorized subscribers. (Ord. #90-6, June 1990)

**7-507. Fire chief to dispatch personnel and apparatus.** Personnel and apparatus will not be dispatched to a rural fire when, in the opinion of the fire chief, the forces are not available due to commitments to fighting a fire within the corporate limits. (Ord. #90-6, June 1990)

**7-508. City to answer calls requested by Tennessee State Highway Patrol or the sheriff's department.** The city will answer service calls in case of highway accidents and/or fires involving lives or damage to state property at the request of the Tennessee State Highway Patrol or the Sheriff's Department. (Ord. #90-6, June 1990)

**7-509. Department not to answer calls not covered in this chapter.** The South Fulton Fire Department shall not answer rural fire service calls that are not covered in the above sections. (Ord. #90-6, June 1990)

**7-510. City to inform subscribers that payment of fee is not the only requirement for fire service.** The city agrees to make every effort to inform rural citizens by newspaper and radio and present subscribers to be notified individually about the fact that their insurance policy calls for fire insurance does not necessarily mean that they have rural fire service involved, and that the payment of \$25.00 per year is not the only requirement for rural fire service. (Ord. #90-6, June 1990)

**TITLE 8**

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

**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1**

**INTOXICATING LIQUORS**

**SECTION**

8-101. Prohibited generally except when in compliance with law.

**8-101. Prohibited generally except when in compliance with law.**

(1) Except when he is lawfully acting pursuant to the authority of an exemption under the state laws,<sup>2</sup> it shall be unlawful for any person to manufacture, receive, possess, store, sell, furnish, or solicit orders for any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by volume.

(2) Nothing in this chapter shall be interpreted to limit or restrict the manufacture of beer or wine in a person's residence for personal consumption when such manufacturing is in compliance with state and federal laws. (1985 Code, § 2-101, as replaced by Ord. #96-1, March 1996)

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<sup>1</sup>Municipal code reference

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

State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference

Tennessee Code Annotated, title 39, chapter 17.

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business; application fee.
- 8-208. Beer permits shall be restrictive.
- 8-209. Issuance of permits to aliens prohibited.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders.
- 8-213. Revocation or suspension of beer permits.
- 8-214. Civil penalty in lieu of suspension.
- 8-215. Privilege tax.

**8-201. Beer board established.** There is hereby established a beer board to be composed of all the members of the board of commissioners. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation. (1985 Code, § 2-201, as replaced by Ord. #96-1, March 1996)

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member and to any permit holder whose business is to be considered by said board. Notice of meetings shall be posted on the doors of City Hall and in local newspapers, if time permits. Notice of meetings will normally be given three (3) working days before the meeting, except where unusual circumstances require more immediate meetings. The

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<sup>1</sup>State law reference

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

board may adjourn a meeting at any time to another time and place. (1985 Code, § 2-202, as replaced by Ord. #96-1, March 1996)

**8-203. Record of beer board proceedings to be kept.** The city recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1985 Code, § 2-203, as replaced by Ord. #96-1, March 1996)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1985 Code, § 2-204, as replaced by Ord. #96-1, March 1996)

**8-205. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (1985 Code, § 2-205, as replaced by Ord. #96-1, March 1996)

**8-206. "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 volume. (1985 Code, § 2-206, as replaced by Ord. #96-1, March 1996)

**8-207. Permit required for engaging in beer business; application fee.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer for nonpersonal use without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish. Each applicant must be a person of good moral character and he must certify that the applicant has read and is familiar with the provisions of this chapter.

Each application for a beer permit shall be accompanied by a two hundred fifty dollar (\$250) nonrefundable application fee.<sup>1</sup> (1985 Code, § 2-207, modified, as replaced by Ord. #96-1, March 1996)

**8-208. Beer permits shall be restrictive.**<sup>2</sup> All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

Beer permits shall be issued only to national chartered clubs, hotels/motels, restaurants, grocery or convenience stores and bars/taverns. Beer may be sold in hotels/motels, served in rooms of regularly conducted hotels/motels, restaurants, grocery or convenience stores, bars/taverns, and also in national chartered clubs within the corporate limits so long as the provisions of this chapter and the payment of the privilege tax as provided for in § 5-301, etc., are complied with.

Restaurants and hotels/motels must have seating for at least 50 and must derive over 60% of their gross sales from the sale of on site prepared food or rent of rooms in the case of hotels/motels. Application by a restaurant for a new beer license will be limited for 90 days and will not be renewed unless the restaurant can prove that the restaurant has, during the first 90 days, made over 60% of its gross sales from the sale of food. At the time of annual renewal of a restaurant's beer license, the restaurant shall henceforth submit, if requested by the city manager or his representative, proof that 60% of gross sales is due to the sale of food.

On premises consumption (as in hotels/motels, restaurants, bars/taverns, national chartered clubs) shall be limited to the interior of the building housing the business of the permit holder.

A beer permit is restricted to one building.

A beer permit is personal and not transferrable. It cannot be sold, loaned, rented, or leased to another person. If such action occurs then the permit is immediately void and must be returned to the beer board.

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-5-108(c).

<sup>2</sup>Municipal code reference

Consumption of beer on commercial premises: § 11-102.

A beer permit is issued only to the owner or manager of the business and such person must reside within ten miles of said business unless a waiver is granted by the beer board.

A beer permit is void if the business is closed for thirty days. This would not apply where the license was suspended for a period of time or if a building permit is granted to repair, remodel or rebuild. (1985 Code, § 2-208, as amended by Ord. #88-7, Oct. 1982; and as replaced by Ord. #96-1, March 1996)

**8-209. Issuance of permits to aliens prohibited.** No permit to engage in the beer business shall be granted by the beer board to any person not a citizen of the United States nor to any syndicate, partnership, corporation, or association unless all of the members thereof are citizens of the United States. (1985 Code, § 2-209, as replaced by Ord. #96-1, March 1996)

**8-210. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within three hundred (300) feet of any school, church, or other such place of public gathering. An exception or waiver of this restriction may be made in writing by the beer board for retail merchant beer permits, restaurants, and hotel/motel beer permits. (1985 Code, § 2-210, as replaced by Ord. #96-1, March 1996)

**8-211. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving a lack of moral turpitude within the past ten (10) years. (1985 Code, § 2-211, as replaced by Ord. #96-1, March 1996)

**8-212. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Employ any person in the sale, storage, distribution, or manufacture of beer if that person has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving a lack of moral turpitude with the past ten (10) years.

(2) Employ any minor under twenty-one (21) years of age in the sale, storage, distribution, or manufacture of beer. (This provision does not apply to retail merchants or restaurants holding beer permits.)

(3) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week; at any time on Sunday.



(4) Make or allow any sale of beer to a minor under twenty-one (21) years of age, except when otherwise provided by state law.

(5) Allow any minor under twenty-one (21) years of age to loiter in or about his place of business. Signs announcing the requirement to be 21 years of age to enter the premises shall be posted conspicuously on or adjacent to all entrances/exits. Holders of beer permits issued to hotels/motels, restaurants, and grocery or convenience stores are not subject to this restriction or requirement since persons under 21 years of age may be expected to be lawful customers, however, steps must be taken to make certain that under-age persons are not allowed to consume alcoholic beverages.

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

(7) Allow drunk or disreputable persons to loiter about the premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by volume. There shall be no "brown bagging" allowed on the premises, except where the premises has a restaurant beer permit, or could qualify for such a restaurant beer permit.

(9) Allow pool or billiard playing in the same room where beer is sold.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women, if beer is consumed on the premises.

(11) Allow any person (except a law enforcement officer) to enter the premises carrying a firearm, whether said weapon is visible or concealed. This shall not apply to guests in rooms of hotels/motels.

(12) Allow arguments and fights among patrons. It shall not be considered a violation of this section if the bartender, manager, owner, or other employee makes rapid/immediate contact with city police as soon as possible after an argument or fight erupts. (1985 Code, § 2-212, as replaced by Ord. #96-1, March 1996)

**8-213. Revocation or suspension of beer permits.** The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter, and shall not be eligible for a permit for a period of ten (10) years thereafter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties of interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board. (1985 Code, § 2-213, as replaced by Ord. #96-1, March 1996)

**8-214. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #96-1, March 1996)

**8-215. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). Any person, partnership, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax to the City of South Fulton on the first business day after January 1st of each year. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #96-1, March 1996)

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. 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. (1985 Code, § 5-101)

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

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

#### 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. Policemen 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 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. (1985 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. (1985 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.

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

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) 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; 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 municipality to cover the cost of investigating the facts stated therein. (1985 Code, § 5-203)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the director of public safety. The director shall report his findings to the city recorder within seventy-two (72) hours.

(2) If, as a result of such 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 director'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. (1985 Code, § 5-204)

**9-205. Appeal.** Any person aggrieved by the action of the director of public safety and/or the city recorder in the denial of a permit shall have the right to appeal to the board of commissioners. 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 such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice

shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1985 Code, § 5-205)

**9-206. Bond.** Every permittee shall file with the city recorder a surety bond running to the municipality 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 this municipality 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 municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, 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, be relieved without costs of all further liability. (1985 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 municipality 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. (1985 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. (1985 Code, § 5-208)

**9-209. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (1985 Code, § 5-209)

**9-210. Policemen to enforce.** It shall be the duty of all public safety officers to see that the provisions of this chapter are enforced. (1985 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 commissioners 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 public safety officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1985 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. (1985 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. (1985 Code, § 5-213)

## CHAPTER 3

### CHARITABLE SOLICITORS

#### SECTION

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

**9-301. Permit required.** 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. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1985 Code, § 5-301)

**9-302. Prerequisites for a permit.** The recorder shall 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. (1985 Code, § 5-302)

**9-303. Denial of a permit.** Any applicant for a permit to make charitable or religious solicitations may appeal to the board of commissioners if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1985 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 public safety officer or person solicited. (1985 Code, § 5-304)

## CHAPTER 4

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

#### SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 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.

**9-401. Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1985 Code, § 5-401)

**9-402. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the director of public safety. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the director may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the director of public safety shall make a thorough investigation of the applicant; determine if there is a public need for additional

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

taxicab service; present the application to the board of commissioners; and make a recommendation to either grant or refuse a franchise to the applicant. The board shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1985 Code, § 5-402)

**9-403. Liability insurance required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount equal to that required by the state's financial responsibility law set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1985 Code, § 5-403)

**9-404. Revocation or suspension of franchise.** The board of commissioners, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor, for traffic violations, and violations of this chapter by the taxicab owner or any driver. (1985 Code, § 5-404)

**9-405. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or catch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1985 Code, § 5-405)

**9-406. Cleanliness of vehicles.** All taxicabs operated in the municipality 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. (1985 Code, § 5-406)

**9-407. Inspection of vehicles.** All taxicabs shall be inspected as often as may be necessary by the director of public safety to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1985 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 director of public safety. (1985 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 director of public safety:

- (1) Makes written application to the director of public safety.
- (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 municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1985 Code, § 5-409)

**9-410. Revocation or suspension of driver's permit.** The board of commissioners, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1985 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 municipality for the purpose of obtaining patronage for their cabs. (1985 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 municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1985 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. (1985 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. (1985 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 unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet and tranquility of the municipality in any way. (1985 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 such other passenger. (1985 Code, § 5-416)

## CHAPTER 5

### POOL ROOMS<sup>1</sup>

#### SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

**9-501. Prohibited in residential areas.** 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 on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1985 Code, § 5-501)

**9-502. 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 at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1985 Code, § 5-502)

**9-503. 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, 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 living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1985 Code, § 5-503)

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

**CHAPTER 6****CABLE TELEVISION****SECTION**

9-601. To be furnished under franchise.

**9-601. To be furnished under franchise.** Cable television service shall be furnished to the City of South Fulton and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of South Fulton 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.<sup>1</sup> (1985 Code, § 13-501)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #85-11 dated October, 1985, in the office of the city recorder.

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. IN GENERAL.
2. DOGS.
3. "ATTACK DOGS" REGULATED.

**CHAPTER 1**

**IN GENERAL**

**SECTION**

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

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1985 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** (1) No horse, mule, donkey, cow, goat, sheep, or animal raised shall be kept within the city limits, except in an outlying district where there are not more than three (3) residences, other than that occupied by the owner or occupant of the premises upon which said animals are kept, within a distance of five hundred (500) feet of the structure housing said animal, unless a written permit therefore is issued by the health officer after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. Such permit shall be issued for the keeping of any such animals on any lot in the following two cases:

- (a) Where such animals were being lawfully kept on such lot prior to the enactment of this chapter;
- (b) Where such animals were being lawfully kept after the enactment of this chapter in an area, in which there were not three



residences within a distance of five hundred (500) feet of the structure enclosing such animals, and subsequently other residences were built bringing the structure housing the animals within a restricted district. Such permit shall be for the term of one year only and shall not be renewed without a reinspection of the premises.

(2) No chicken coop, dove, cote, dog kennel, rabbit warren or other yard structure where animals are kept or where small animals and/or fowls are kept shall be maintained closer than fifty (50) feet to any house, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept. Not more than six dogs, cats, rabbits, guinea pigs, ducks, geese or any other small animal or fowls, more than six (6) weeks old, shall be kept on any premises within the city limits, except in an outlying district where there are not more than three (3) residences, other than that occupied by the owner or occupant of the premises upon which said creatures are kept, within a radius of five hundred (500) feet of the structure or area enclosing said creatures without a permit issued by the health officer after an inspection of the premises and a finding of fact to the effect that no nuisances will be created thereby. Such permit shall be issued for the keeping of any of such creatures on any lot, only in the following two cases:

(a) Where such animals were being lawfully kept on such premises prior to the enactment of this chapter;

(b) Where such animals or fowls were being lawfully kept on such lot after the enactment of this chapter, in an area in which there were not three (3) residences within five hundred (500) feet of the structure enclosing such animals, and subsequently other residences were built bringing the structure housing said animals within a restricted district. Such permit shall be for the term of one year only and shall not be renewed without a reinspection. (1985 Code, § 3-102)

**10-103. Stable or enclosure to be kept clean.** (1) Every stable, or other building, wherein any animal is kept, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times. Every such stable or other building occupied by authority of a permit shall, if located within two hundred (200) feet of any tenement house, apartment, house, retail food store, buildings used for school purposes, religious purposes or a residence, other than that occupied by the owner or occupant of the premises upon which said animals are kept, be provided with a water tight and fly tight receptacle for manure, of such dimensions as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent it becoming a nuisance. Said receptacle shall be kept securely covered at all times, except when open for deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle. The health officer, shall, if he deems such measures necessary, in order to avoid a nuisance, require

that any such building be screened tightly against flies and other insects and/or that it be provided with running water, drain connection, flooring impervious to water, and that such other measures be taken as may be necessary to insure the proper protection to public health and safety, as conditions precedent to the issuance of any such permit.

(2) All structures, pens, coops, or yards, wherein such animals or fowls are kept, or permitted to be kept, shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from all objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of all structures shall be whitewashed or painted annually or as often as the health officer shall direct. The health officer, upon the complaint of any individual, shall inspect any such structure or premises and issue any such orders as may be necessary to carry out the provisions of this chapter. (1985 Code, § 3-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1985 Code, § 3-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1985 Code, § 3-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1985 Code, § 3-106)

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

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1985 Code, § 3-107)

**10-108. Citation procedure.** (1) Whenever the animal warden determines there has been a violation of any of the provisions of this chapter, in lieu of obtaining a warrant for arrest of the offender, the animal warden may prepare written notice to appear in the city court, containing the name and address of such person, the offense charged and the time when such person shall appear in city court. The time specified for appearance shall not be less than five (5) days from the date of issuance to appear.

(2) The cited person shall sign one copy of the notice to appear. One copy of the notice to appear shall be delivered to the cited person. (Ord. #93-6, Jan. 1994)

**10-109. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1985 Code, § 3-108)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Definition of terms.
- 10-202. License and registration required.
- 10-203. Tag and collar.
- 10-204. Running at large prohibited.
- 10-205. Impounding.
- 10-206. Notice to owner and redemption.
- 10-207. Disposition of unclaimed or infected dogs.
- 10-208. Confinement of certain dogs.

**10-201. Definition of terms.** As used in this chapter, unless the context otherwise indicates:

- (1) "Dog" shall be intended to mean both male and female.
- (2) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog. (1985 Code, § 3-201)

**10-202. License and registration required.** All dogs kept, harbored or maintained by their owners in the City of South Fulton, shall be licensed and registered if over six (6) months of age. Dog license shall be issued by the city recorder upon the payment of \$1.50, and the presentation of a valid certificate of inoculation signed by a licensed veterinarian. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his name and address, and the name, breed, color and sex of each dog owned or kept by him. The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. (1985 Code, § 3-202)

**10-203. Tag and collar.** Upon payment of the license fee, the recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. Such license tag shall be issued annually on or before the 1st of June of each year. In case

a dog tag is lost or destroyed, a duplicate will be issued by the recorder upon presentation of a receipt showing the payment of a license fee for the current year, and the payment of a fifty (50) cent fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of dog or the owner's leaving the city before expiration of the license period. (1985 Code, § 3-203)

**10-204. Running at large prohibited.** The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person. (1985 Code, § 3-204)

**10-205. Impounding.** It shall be the duty of every police officer or animal warden to apprehend any dog found unlicensed contrary to the provisions of § 10-202, and to impound such dog in the city pound or city designated pound or other suitable place. The animal warden (or such other designated official) upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog. (1985 Code, § 3-205)

**10-206. Notice to owner and redemption.** Not later than one day after the impounding of any dog the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for three days at the city hall, in the City of South Fulton, describing the dog and the place and the time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the City of South Fulton for impounding and maintenance of said dog.

The following charges shall be paid to the City of South Fulton for impounding any dog: ten dollars (\$10.00) for keeping any dog and one dollar (\$1.00) per calendar day or part thereof. (1985 Code, § 3-206)

**10-207. Disposition of unclaimed or infected dogs.** It shall be the duty of the animal warden (or such other designated official) to keep all dogs so impounded for a period of three days. If at the expiration of three (3) days from the date of notice to the owner or the posting of notice, such dog shall not have been redeemed, it may be destroyed. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infection or dangerous disease shall not be released but may be forthwith destroyed. (1985 Code, § 3-207)

**10-208. Confinement of certain dogs.**<sup>1</sup> No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any

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<sup>1</sup>See chapter 3 of this title for regulations of certain breeds of dogs referred to as "attack dogs."

such dog is found running at large in violation of this provision it shall be taken up and impounded and shall not be released except upon approval of the animal warden (or such other designated official), after payment of the fees provided in § 10-206. Provided, however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policeman.<sup>1</sup> (1985 Code, § 3-208)

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<sup>1</sup>State law reference

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

## CHAPTER 3

### "ATTACK DOGS" REGULATED

#### SECTION

10-301. Permit required for certain breed of dogs.

10-302. Permit procedures.

**10-301. Permit required for certain breeds of dogs.** No person shall be allowed to have dogs of the following breeds: Rottweiler, Pit Bull Terrier, Doberman, and German Shepherd in the City of South Fulton unless a permit shall have first been granted by the City of South Fulton for the owner to maintain the dog within the city limits. Dogs of these breeds shall be referred to herein as "attack dogs", regardless of the disposition of the animal or the degree of the breed in the dog's genetic composition. All owners of attack dogs which are found within the City of South Fulton in violation of this chapter, whether or not said attack dogs are confined or running loose, shall be cited and are subject to having their dog impounded until they meet all requirements for obtaining a city permit. If said animals are impounded the owner shall be required to pay for the cost of the impounding, cost of keeping the dog at the impound. Additionally, they shall be subject to being cited for a violation of this chapter for each day that the dog has been in the impound location. (Ord. #96-11, Dec. 1996)

**10-302. Permit procedures.** Procedures for obtaining a permit are as follows:

(1) The owner shall make application at the office of the chief of police of the City of South Fulton for a permit. The application shall state the dog's age, height, weight, breed, distinguishing characteristics, the address at which the dog is authorized to be located and what manner the owner plans to use to maintain the dog and prevent it from escaping or leaving the premises.

(2) Application for permit shall be rejected by the chief of police (or his designee) unless the dog is restrained behind a fence of at least 4 ft. in height or is restrained on a chain or cable capable of supporting 150 lb. weight. Dogs may not be kept on ropes or any type of leash if said rope/leash is not made of metal in its entirety. (This means that the rope/leash's load-bearing capacity must be borne entirely by metal.) The chief of police may defer approval of an application until an inspection of the property and the means of restraining the dog have been accomplished. In such circumstances the owner of the dog shall not be liable in violation of this chapter during the time that the application is pending, however, the owner must make reasonable attempts to restrain the dog and to keep the dog from being a public nuisance.

(3) There will be no fee required for a permit.

(4) The only animals which will be exempt from a requirement that their owner have a permit shall be those animals which have lameness and other infirmities due to old age so that these said animals do not constitute a threat to passer-bys and are not physically capable of escaping from a fenced-in yard or light restraints. Additionally, dogs which have been trained to assist their owners, such as seeing-eye dogs or dogs intended to help crippled persons, shall not be subject to the requirement that their owners obtain a permit from the city.

(5) Visitors to the City of South Fulton will not be required to comply with the terms of this chapter as long as their dog is maintained and restrained so as to not leave the property of the person whom they visit. Said dogs must not stay at that property for more than 72-hours unless a permit has been obtained. It shall be the sole discretion of the law enforcement officers of the City of South Fulton when and if the residents of the City of South Fulton and the visitors to those residents will be held accountable for violation of this chapter as a result of dogs brought into the City of South Fulton by visitors.

(6) Dogs which are impounded and which are not claimed by their owner after a four day period shall be disposed of humanely. The police officials of the City of South Fulton shall attempt to contact the owner if the owner can be identified and located. Any attack dog which is found wandering in the City of South Fulton shall be subject to being impounded. Vicious dogs, regardless of their breed, which attack a city official when the city official is attempting to catch the dog for impoundment may be shot and killed, when necessary, to protect the city official from harm. (Ord. #96-11, Dec. 1996)



## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

- 11-101. Drinking beer, etc., on streets and in public places.  
 11-102. Drinking beer, etc., on commercial premises.  
 11-103. Minors in beer places.

**11-101. Drinking beer, etc., on streets and in public places.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on premises consumption. (1985 Code, § 10-303)

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<sup>1</sup>Municipal code references

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

<sup>2</sup>Municipal code reference

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

State law reference

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

**11-102. Drinking beer, etc., on commercial premises.** The exhibition of opened and unopened containers of beer and/or the consumption of beer on commercial premises is prohibited where the operators and/or owners do have a permit to sell beer.

It is the intent and purpose of this section to prohibit the foregoing acts in drive-ins within the corporate limits where the operators and/or owners of said premises are not duly licensed to sell beer.

The owner of a vehicle in which the unopened beer is seen or opened beer is being consumed shall be deemed the owner of the said beer in the absence of the admission of the ownership by the other occupants of the vehicles. (1985 Code, § 10-304)

**11-103. Minors in beer places.** No person under twenty-one (21) 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. (1985 Code, § 10-301, modified)

**CHAPTER 2****FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1985 Code, § 10-703, modified)

**CHAPTER 3**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-301. Assault and battery.

**11-301. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery against any person. (1985 Code, § 10-601)

## CHAPTER 4

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

**11-401. 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. (1985 Code, § 10-602)

**11-402. Anti-noise regulations.** Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

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

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

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

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or

disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

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

of attracting attention to any performance, show, or sale or display of merchandise.

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

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

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

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

(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 amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1985 Code, § 10-603)

## CHAPTER 5

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-505. Coercing people not to work.

**11-501. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1985 Code, § 10-607)

**11-502. Impersonating a government officer or employee.** No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1985 Code, § 10-609)

**11-503. False emergency alarms.** It shall be unlawful for any person to intentionally 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. (1985 Code, § 10-606)

**11-504. Resisting or interfering with an officer.** It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1985 Code, § 10-608)

**11-505. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1985 Code, § 10-604)



**CHAPTER 6****FIREARMS, WEAPONS AND MISSILES****SECTION**

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Discharge of firearms.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1985 Code, § 10-502)

**11-602. Throwing missiles.** It shall be unlawful for any person to maliciously 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. (1985 Code, § 10-503)

**11-603. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1985 Code, § 10-501, modified)

**CHAPTER 7****TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE  
WITH TRAFFIC****SECTION**

- 11-701. Trespassing.
- 11-702. Trespassing on trains.
- 11-703. Malicious mischief.
- 11-704. Interference with traffic.

**11-701. 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 promptly leave the private premises of any person who requests or directs him to leave. (1985 Code, § 10-404)

**11-702. 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. (1985 Code, § 10-405)

**11-703. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1985 Code, § 10-605)

**11-704. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1985 Code, § 10-610)

## CHAPTER 8

### MISCELLANEOUS

#### SECTION

11-801. Abandoned refrigerators, etc.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

**11-801. 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. (1985 Code, § 10-701)

**11-802. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1985 Code, § 10-702)

**11-803. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1985 Code, § 10-705)

**11-804. Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 6:00 A.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1985 Code, § 10-406)

**11-805. 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. (1985 Code, § 10-704)

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.

**CHAPTER 1**

**BUILDING CODE<sup>1</sup>**

**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 and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code<sup>2</sup>, 1994 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 building code. (1985 Code, § 4-101, modified, as amended by Ord. #96-6, July 1996, modified)

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.



Non Residential	
First 5,000 sq. ft. . . . .	\$ .07 per sq. ft.
Additional Area over 5,000 sq. ft. . . . .	\$ .04 per sq. ft.

**FEEES FOR OTHER REQUIRED PERMITS**

Residential Additions . . . . .	\$ .04 per sq. ft.
Residential Rehabilitations . . . . .	\$ 15.00
Non-Residential Additions . . . . .	\$ .06 per sq. ft.
Non-Residential Rehabilitations . . . . .	\$ 50.00
Demolitions . . . . .	\$ 25.00
Signs . . . . .	\$ .50 per sq. ft.
Moving Structures (one lot to another) . . . . .	\$ 50.00
Sidewalk and Driveways' Additions . . . . .	\$ 15.00

**MINIMUM FEE FOR ANY ACTIVITY FOR WHICH A PERMIT IS REQUIRED SHALL BE \$15.00**

(5) Section 107 is hereby deleted. (1985 Code, § 4-102, as amended by Ord. #90-4, May 1990)

**12-103. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-103, modified)

**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. (1985 Code, § 4-104)

## CHAPTER 2

### PLUMBING CODE<sup>1</sup>

#### SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations.

**12-201. 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 city, when such plumbing is or is to be connected with the city water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1994 edition with 1995 revisions, 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. (1985 Code, § 4-201, modified, as amended by Ord. #96-6, July 1996, modified)

**12-202. Modifications.** Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager of this city.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. The schedule of permit fees contained in "Appendix H" is adopted. (1985 Code, § 4-202)

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

**12-203. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-203, modified)

**12-204. 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. (1985 Code, § 4-204)



## CHAPTER 3

### ELECTRICAL CODE<sup>1</sup>

#### SECTION

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

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1996 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1985 Code, § 4-301, modified, as amended by Ord. #96-6, July 1996, modified)

**12-302. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-302, modified)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1985 Code, § 4-303)

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

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<sup>1</sup>Municipal code references

Fire protection, fireworks and explosives: title 7.

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

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1985 Code, § 4-304)

**12-305. Enforcement.** The electrical inspector shall be such person as the city manager 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. (1985 Code, § 4-305)

**12-306. Fees.** All persons filing for an electrical permit shall pay fees according to the following schedule with the exception that fees shall not apply to change in service or new construction which is handled by Weakley County Electric System under regulations of the State of Tennessee, Department of Insurance and Banking, Division of Fire Prevention.

#### SCHEDULE OF FEES

Filing fee	\$1.00
For wiring outlets, at which current is used or controlled except services, sub-feeders and meter outlets, each	.05
For fixtures, sockets or other lamp holding devices, each	.10
Switches under 20 amps	.05
Switches 20 amps to 100 amps	.25
Switches 100 amps and over	.50
For each motor of not more than 1/2 H.P.	.25
For each motor of more than 1/2 H.P. but not more than 2 H.P.	.50
For each motor of more than 2 H.P. but not more than 5 H.P.	1.00
For each motor of more than 5 H.P. but not more than 15 H.P.	1.50
For each motor of more than 15 H.P. but not more than 50 H.P.	2.50
For each motor of more than 50 H.P. but not more than 200 H.P.	5.00
For each motor of more than 200 H.P.	10.00

For each generator, transformer, or welder, each K.V.A. capacity shall be considered as one H.P. in a motor	
For each motor generator set or frequency changer, the fee charged shall be twice the fee for the motor alone	
For each temporary motor, the same fee as for moving motors	
For each moving of motors, generators, transformers, or welders, upon which a final certificate has already been issued, a fee equal to 50 percent of the fee required for new equipment	
For each mercury arc lamp and equipment	1.50
For each range or heater installation	.50
For working lights in buildings in course of construction or undergoing repairs, or where temporary lighting is to be used	2.00
For each incandescent electric sign	2.00
For electric signs or outside lighting, luminous gas type	2.00
For each X-ray unit and its appurtenances	2.00
For each rectifier and synchronous converter, per KW	.25
For each extra inspection made necessary by defective workmanship or materials	1.00
For the inspection of any electrical equipment for which no fee is herein prescribed for the time consumed, per hour	2.00
With a minimum charge of	1.00
For each television antenna installation	2.00

If electrical work or antenna installation for which a permit is required by this code is started or proceeded with prior to obtaining the said permit, the fee above specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed therein. (1985 Code, § 4-306)

## CHAPTER 4

### GAS CODE<sup>1</sup>

#### SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

**12-401. Title and definitions.** This chapter and the code herein adopted by reference shall be known as the gas code of the city 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 city manager.

(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. (1985 Code, § 4-401)

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

**12-402. Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,<sup>1</sup> 1994 edition with 1996 revisions, 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. (1985 Code, § 4-402, modified, as amended by Ord. #96-6, July 1996, modified)

**12-403. 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. (1985 Code, § 4-403)

**12-404. Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$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 such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the 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; provided, however, any license obtained after the 1st day of July of any year shall be computed at the rate of one half (1/2) of the annual fee.

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1985 Code, § 4-404)

**12-405. 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 city manager and the compensation for such office shall be determined at the time of appointment. (1985 Code, § 4-405)

**12-406. Powers and duties of inspector.** (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1985 Code, § 4-406)

**12-407. 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 inspector 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. (1985 Code, § 4-407)

**12-408. Inspections.** (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (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 such piping. (1985 Code, § 4-408)

**12-409. Certificates.** The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1985 Code, § 4-409)

**12-410. Fees.** (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to five outlets, inclusive, and \$0.50 for each outlet above five.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1985 Code, § 4-410)

**12-411. Violations and penalties.** Any person who shall violate or fail 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 such person may be revoked, or both fine and revocation of license may be imposed. (1985 Code, § 4-411)

**12-412. Nonliability.** This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1985 Code, § 4-412)



## CHAPTER 5

### HOUSING CODE

#### SECTION

12-501. Housing code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

**12-501. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1994 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 housing code. (1985 Code, § 4-501, modified, as amended by Ord. #96-6, July 1996, modified)

**12-502. Modifications.** Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city manager. Section 108 of the housing code is deleted. (1985 Code, § 4-502)

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-503, modified)

**12-504. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1985 Code, § 4-504)

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<sup>1</sup>Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

## CHAPTER 6

### MODEL ENERGY CODE<sup>1</sup>

#### SECTION

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

**12-601. 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<sup>2</sup> 1995 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. (as amended by Ord. #96-6, July 1996, modified)

**12-602. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of South Fulton. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the energy code.

**12-603. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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

**TITLE 13**

**PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED VEHICLES.
4. SLUM CLEARANCE.
5. OUTDOOR BURNING.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the board of commissioners shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1985 Code, § 8-401)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1985 Code, § 8-405)

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1985 Code, § 8-406)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(10).

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1985 Code, § 8-407)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1985 Code, § 8-408)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1985 Code, § 8-409)

**13-107. 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. (1985 Code, § 8-404)

**CHAPTER 2****JUNKYARDS****SECTION**

13-201. Junkyards.

**13-201. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1985 Code, § 8-410)

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<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

## CHAPTER 3

### JUNKED VEHICLES

#### SECTION

- 13-301. Definitions.
- 13-302. Junked vehicles declared to be public nuisance.
- 13-303. Provisions of this chapter are supplemental.
- 13-304. Duties of building inspector.
- 13-305. Enforcement.
- 13-306. Disposal of junked vehicles.
- 13-307. Nonliability of city.
- 13-308. Prior removal of junked vehicles deemed to be compliance with chapter.
- 13-309. Violation; penalty.
- 13-310. Chapter cumulative.

**13-301. Definitions.** For the purposes of this chapter, the following terms, phrases, words and their duration shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future; words used in the plural number shall include the singular number; words used in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Junked motor vehicles." Any contrivance, or parts thereof, propelled by power and used for transportation of persons and property on public streets and highways, the condition of which is one or more of the following:

- (a) Wrecked.
- (b) Dismantled.
- (c) Partially dismantled.
- (d) Inoperative.
- (e) Abandoned.
- (f) Discarded.

(2) "Junked appliances." Any unit, or part thereof, of machinery, furniture or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to: stoves, refrigerators, television sets, beds, lamps, tools, objects of art, etc., the condition of which is one of the following:

- (a) Wrecked.
- (b) Dismantled.
- (c) Partially dismantled.
- (d) Inoperative.
- (e) Abandoned.

(f) Discarded.

(3) "Person." Any individual, firm, partnership, corporation, association, company or organization of any kind. (1985 Code, § 8-301)

**13-302. Junked vehicles declared to be public nuisance.** The presence of any junked motor vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of South Fulton, Tennessee, shall be deemed a public nuisance, and shall further be considered rubbish or refuse and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:

(1) Any motor vehicle or appliance in an enclosed building:

(2) Any motor vehicle or appliance on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise during normal business hours.

(3) Any motor vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances shall within a 6 (six) month period after final reading of this ordinance put in place a fence to shield from public view, all wrecked, dismantled, partially dismantled, inoperable, or discarded motor vehicles or appliances.

(4) Any motor vehicle classified as antique or classic while in wrecked, dismantled, partially dismantled, or inoperative state shall be maintained in enclosed building or placed in enclosed area 72 (seventy-two) inches in height which shields vehicles from public view, said vehicle will hold all current state, county and city registrations.

(5) Any motor vehicle which is parked without current state, county and city registrations shall be considered inoperable.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law. (Ord. 91-1, March 1991)

**13-303. Provisions of this chapter are supplemental.** This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles or appliances within the city. Such junked motor vehicles and appliances are hereby declared to be a public nuisance and unlawful as set out in § 13-302 above. The provisions of this chapter are supplemental and in addition to all other regulatory codes, statutes and ordinances heretofore enacted by the city, state or any other legal entity or agency having jurisdiction. (1985 Code, § 8-303)



**13-304. Duties of building inspector.** The provisions of this chapter shall be administered and enforced by the building inspector or city manager (as directed by the board of commissioners). In the enforcement of this chapter, such officer and his duly authorized agents, assistants, employees or contractors may enter upon private or public property to examine a junked motor vehicle or appliance; or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this chapter. (1985 Code, § 8-304)

**13-305. Enforcement.** Whenever the enforcement officer shall deem such a public nuisance to exist, he shall issue a notice to the parties hereinafter stated, and such notice shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Request the public nuisance to be abated; and
- (4) Advise the said party that he has ten (10) days to abate the nuisance or to make a written demand for a hearing before the enforcement officer, or else the public nuisance will be removed and abated by the city.

The notice shall be sent by certified or registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll. Where the owner of the property is not the occupant thereof, such notice shall be mailed also to the occupant(s). The enforcement officer shall coordinate his efforts to determine ownership of a junked motor vehicle with the South Fulton Police Department, and notice shall also be sent to the last registered and legal owner of record of the junked motor vehicle, unless the owner is the owner or occupant of the premises whereon the nuisance is located, and unless identification numbers are not available to determine ownership of the vehicle. If the owner, or his address, of any junked motor vehicle is not known or cannot be readily ascertained, the notice to him to abate, and of his right to a hearing, may be given by attaching such notice to the vehicle no less than ten (10) days before action is to be taken. If the latter method of service is used, the enforcement officer shall make an affidavit attesting to such facts. Where a junked motor vehicle is found to be upon any public property within the city, notice to the owner of the vehicle is all that shall be required. Where a junked appliance is found on public property, no notice shall be required.

In the event a hearing is demanded, such hearing shall be held within five (5) days after the demand is made and shall be conducted by the enforcement officer, who shall hear all the facts and testimony on the condition of the junked motor vehicle or appliance and the circumstances concerning the location. Such hearing shall not be limited by technical rules of evidence. The enforcement officer may impose such conditions and take such other action as

he deems appropriate under the circumstances to carry out the purposes of this chapter. He may delay the time for removal of the junked motor vehicle or appliance if, in his opinion, circumstances justify it. At the conclusion of any hearing, the enforcement officer may find that a junked motor vehicle or appliance has been abandoned, wrecked, dismantled or is inoperative, on private or public property, and order the same removed from the property as a public nuisance and order disposal of same. The order requiring removal shall include a description of the junked appliance or junked motor vehicle and the correct identification number and state license tag number of the junked motor vehicle, if available at the site.

Any interested party may appeal the decision of the enforcement officer by appealing to any court of competent jurisdiction pursuant to the Rules of Civil Procedure within fourteen (14) days after the decision. If no appeal is taken within the time prescribed, or immediately after a final judicial review affirming the right to remove the nuisance, the enforcement officer shall cause the junked motor vehicle or appliance to be removed and disposed of in any manner as he may provide. (1985 Code, § 8-305)

**13-306. Disposal of junked vehicles.** Upon the failure, neglect or refusal to abate by any owner-occupant or owner of private property who has been notified and ordered to abate such public nuisance within the times as set forth above, the enforcement officer is hereby authorized, empowered and directed to remove same and dispose of it.

The cost of such removal and disposal shall be accounted for by the enforcement officer, and where the full amount due the city for such service is not paid by such owner within thirty (30) days after the disposal of such nuisance, then and in that case, the enforcement officer shall cause to be recorded in the Obion County Register's Office a sworn statement showing the cost and expenses incurred for the work, the date the work was done, and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes charge against the property designated or described in the statement and that the same is due and collectible as provided by law. (1985 Code, § 8-306)

**13-307. Nonliability of city.** Neither the owner or occupant of the premises from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the City of South Fulton, or its

agents, shall be liable for any loss or damage to said junked motor vehicle while being removed or as a result of any subsequent sale or other disposition. (1985 Code, § 8-307)

**13-308. Prior removal of junked vehicles deemed to be compliance with chapter.** The removal of the junked motor vehicle from the premises prior to the time for removal by the city shall be considered compliance with the provisions of this chapter and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the premises. Written permission given to the enforcement officer for the removal of the junked motor vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located, shall be considered compliance with the provisions of this chapter on their part and no further action shall be taken against the ones giving such permission, except for collection of towing charges or hauling costs for the removal of the nuisance. (1985 Code, § 8-308)

**13-309. Violation; penalty.** In addition to the civil remedies provided for in this chapter, it shall be unlawful for any person to continue and maintain the public nuisance as described herein, and any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished according to the general penalty provision of the municipal code of ordinances. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (1985 Code, § 8-309)

**13-310. Chapter cumulative.** The provisions of this chapter shall be deemed cumulative of the provisions and regulations contained in the Municipal Code of South Fulton, Tennessee, save and except that where the provisions of this chapter and the sections hereunder are in conflict with the provisions elsewhere in the South Fulton Municipal Code, then the provisions contained herein shall prevail. (1985 Code, § 8-310)

## CHAPTER 4

### SLUM CLEARANCE

#### SECTION

13-401. Definitions.

13-402. Structures unfit for habitation to be repaired, closed or demolished.

13-403. Procedure for abating unfit structures.

13-404. Conditions rendering structures unfit for human habitation.

13-405. Service of complaints or orders.

13-406. Powers of the public officer.

13-407. Chapter confers supplementary powers and procedures.

**13-401. Definitions.** The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Municipality" shall mean the City of South Fulton.

(2) "Governing body" shall mean the board of commissioners of the City of South Fulton.

(3) "Public officer" shall mean the building inspector. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 21.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning dwellings in the city.

(5) "Owner" shall mean the holder of the title in fee simple and every mortgage of record.

(6) "Parties in interest" shall mean all individuals, associations, corporation and others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Dwelling" shall mean 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 or usually enjoyed therewith.

(8) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(9) "Structure" means any dwelling or place of or public accommodation. (1985 Code, § 4-701, as amended by Ord. #88-1, March 1988)

**13-402. Structures unfit for habitation to be repaired, closed or demolished.** The City of South Fulton hereby finds that there exists in this

city, structures which are unfit for human habitation and, therefor hereby ordains that such structures shall be repaired, closed or demolished in the manner herein provided. (1985 Code, § 4-702, as amended by Ord. #88-1, March 1988)

**13-403. Procedure for abating unfit structures.** (1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any structure is unfit, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structures a complaint stating the charges in that respect and containing a notice that a hearing will be held before the planning commission at a place therein fixed, not less than (10) days nor more than thirty (30) days after the serving of said complaint; 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; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the planning commission.

(2) If after such notice and hearing, the planning commission determines that the structure under consideration is unfit for human habitation, the public officer shall state in writing his finds of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure, (not to exceed fifty percent (50%) of the value of the structure), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human habitation or to vacate and close the structure; or

(b) If the repair, alteration or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the structure), requiring the owner, within the time specified in the order, to remove or demolish such structure.

(3) If the owner fails to comply with an order to repair, vacate, close, remove or demolish the structure, the public officer may cause such structure to be dealt with as required by the order served upon said owner, and that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building is prohibited and unlawful."

(4) The amount of the cost of such repairs, alterations and improvements, or vacating and closing, or removal or demolition by the public

officer shall be a lien against the real property upon which such cost was incurred. 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 public officer, and 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 that nothing in this section shall limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by appropriate proceedings. (1985 Code, § 4-703, as amended by Ord. #88-1, March 1988)

**13-404. Conditions rendering structures unfit for human habitation.** The public officer may determine that a structure is unfit for human habitation if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of the city; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. (1984 Code, § 4-704, as amended by Ord. #88-1, March 1988)

**13-405. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Obion County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1985 Code, § 4-705)

**13-406. Powers of the public officer.** The public officer is hereby authorized to exercise 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:

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

- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purpose of this chapter; and
- (5) To delegate any of his functions and power under this chapter to such officers and agents as he may designate. (1985 Code, § 4-706, as amended by Ord. #88-1, March 1988)

**13-407. Chapter confers supplementary powers and procedures.**

Nothing in this chapter shall be construed to abrogate or impair the powers of the court or of any department of the city to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (1985 Code, § 4-707)

## CHAPTER 5

### OUTDOOR BURNING

#### SECTION

13-501. Outdoor burning regulated.

13-502. Permit: types of fires.

13-503. Permit: application process.

13-504. Permit: regulations concerning burning.

13-505. Exemptions.

**13-501. Outdoor burning regulated.** No person shall burn or allow others to burn trash, rubbish, leaves, construction materials, branches, undergrowth, nor any other substance within city limits except when such fire is exempt, as described below, or when a permit for the outdoor burning has been issued by the fire department of the City of South Fulton, Tennessee. (Ord. #96-10, Nov. 1996)

**13-502. Permit: types of fires.** A permit may be issued for the following types of fires within the city limits of South Fulton:

(1) Fires for the destruction of natural vegetation which has been cut and stacked as a result of a single, residential yard cleanup.

(2) Fires for large outdoor gatherings involving a controlled bonfire.

(3) Fires for burning of building materials may be allowed depending on the quantity of materials and the types of materials to be burned. No plastics, rubber, or asphalt materials shall be burned. (Ord. # 96-10, Nov. 1996)

**13-503. Permit: application process.** To obtain a permit required by this chapter, the applicant shall file an application with the fire department which shall include:

(1) The type of materials to be burned.

(2) The location of the fire.

(3) The individual(s) designated as being responsible for controlling the fire shall sign for the permit.

(4) A statement that throughout the burning a garden hose of sufficient length will be maintained for immediate use in assisting and controlling the fire by the person responsible for controlling said burning. (Ord. #96-10, Nov. 1996)

**13-504. Permit: regulations concerning burning.** (1) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. (Pursuant to Southern Building Code 501.1.3)



(2) Outdoor burning will only be permitted during the hours of 8:00 a.m. through 6:00 p.m. Permits will state the times when such burning is to be allowed. Burning in excess of the times set in the permit shall be considered a violation of this chapter.

(3) No permit will be issued during times where burning is prohibited by state or county officials due to increased fire hazards which are climate or weather related.

(4) No fee shall be required to obtain an outdoor burning permit.

(5) All such permits shall be available for inspection throughout the period of the time the permit is issued and burning is in progress. Failure to have the permit available will constitute a violation of this chapter, the same as if no permit was obtained when burning was conducted.

(6) The permit shall be issued by the fire department on the particular date on which burning is to be conducted. Burning shall only apply for the date stated in the permit. Any outdoor burning conducted after such date shall require a separate permit. Permits will not be granted more than 6 hours in advance of the intended burning times. Even if a permit has been issued it is subject to being canceled if wind and weather conditions change so that continued burning would create an unnecessary hazard.

(7) The fire department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires inadvisable. (Pursuant to Southern Building Code 501.1.4). (Ord. #96-10, Nov. 1996)

**13-505. Exemptions.** The following types of outdoor fires are exempt from the permit process:

(1) Contained cooking fires.

(2) Fire in outdoor fire pits, fireplaces, or burn barrels. (Ord. #96-10, Nov. 1996)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION.

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the city manager and another member of the board of commissioners selected by the board of commissioners; the other three (3) members shall be appointed by the city manager. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the city manager shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively, so that the term of one (1) member expires each year. The terms of the city manager and the member selected by the board of commissioners shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the city manager. (1985 Code, § 11-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1985 Code, § 11-102)

**14-103. Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions

of the state law relating to regional planning commissions. (1985 Code, § 11-103)

**CHAPTER 2****ZONING ORDINANCE****SECTION**

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of South Fulton shall be governed by Ordinance Number 83-6, titled "Zoning Ordinance, South Fulton, Tennessee," and any amendments thereto.<sup>1</sup> (1985 Code, § 11-201)

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<sup>1</sup>Ordinance No. 83-6, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

**CHAPTER 3**

**FLOOD DAMAGE PREVENTION ORDINANCE**

**SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

**14-301. Flood damage control to be governed by flood damage prevention ordinance.** Regulations governing flood damage control within the City of South Fulton shall be governed by Ordinance #94-12, titled "South Fulton Municipal Flood Plain Zoning Ordinance" and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #94-12 (Jan. 1995), and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. VEHICLE REGISTRATION.

#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Motorcycles, bicycle riders, etc.
- 15-122. Truck weight limits.
- 15-123. Reckless driving.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1985 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. (1985 Code, § 9-102)

**15-103. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1985 Code, § 9-105)

**15-104. Unlaned streets.** (1) Upon all unlaned streets of sufficient width a vehicle shall be driven upon the right half of the streets except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1985 Code, § 9-106)

**15-105. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1985 Code, § 9-107)

**15-106. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1985 Code, § 9-108)

**15-107. Miscellaneous traffic-control signs, etc.<sup>1</sup>** It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

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. (1985 Code, § 9-109)

**15-108. General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.



Highways,<sup>1</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1985 Code, § 9-110)

**15-109. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1985 Code, § 9-111)

**15-110. Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1985 Code, § 9-112)

**15-111. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols, when such patrols are assigned under the authority of the chief of police, and are acting in accordance with instruction; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1985 Code, § 9-113)

**15-112. Driving through funerals or other processions.** Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1985 Code, § 9-114)

**15-113. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1985 Code, § 9-116)

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<sup>1</sup>This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

**15-114. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1985 Code, § 9-117)

**15-115. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1985 Code, § 9-118)

**15-116. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1985 Code, § 9-119)

**15-117. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1985 Code, § 9-120)

**15-118. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1985 Code, § 9-121)

**15-119. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of

sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1985 Code, § 9-122)

**15-120. Damaging pavements.** No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1985 Code, § 9-115)

**15-121. Motorcycle, bicycle riders, etc.** Motorcycle and bicycle riders shall be subject to the following regulations:

(1) Every person riding or operating a bicycle, motorcycle, or motor scooter shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor scooter.

(2) No person operating or riding a bicycle, motorcycle, or motor scooter shall ride other than upon or astride the permanent and regular seat attached thereto nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No bicycle, motorcycle, or motor scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor scooter shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

(5) No person under the age of sixteen (16) years shall operate any motorcycle, motorbike or motor driven cycle while another person is a passenger upon said motor vehicle.

(6) The 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.

(7) 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, faceshield, or glasses containing impact

resistant lenses for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(8) 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 to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1985 Code, § 9-123)

**15-122. Truck weight limits.** (1) Trucks or buses of gross weight in excess of five thousand (5,000) pounds shall not be operated upon any of the streets of the city, except those streets designated as state or federal highways, except trucks making pickup or deliveries to businesses or residents situated on streets other than designated state or federal highways. Furthermore, an exception is hereby made for those trucks (tractors) to travel city maintained streets for the purpose of parking said trucks at private residence.

(2) A fine of \$25.00 may be assessed for the violation of this section. (Ord. #90-12, Nov. 1990)

**15-123. 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. (1985 Code, § 9-103)

## 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. (1985 Code, § 9-201)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may 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

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

consequences of his reckless disregard for the safety of others. (1985 Code, § 9-202)

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1985 Code, § 9-203)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1985 Code, § 9-204)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-305. Upon certain highways and streets.

15-306. In certain subdivisions of the city.

**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. (1985 Code, § 9-301)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1985 Code, § 9-302)

**15-303. In school zones.** Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1985 Code, § 9-303)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed

in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1985 Code, § 9-304)

**15-305. Upon certain highways and streets.** (1) The speed limit on Chicksaw Drive on U.S. 51 from the old Pierce Road overpass, over U.S. 51 to the Kentucky State Line shall be 45 miles per hour.

(2) The speed limit on Highway U.S. 45E in South Fulton, Tennessee, said street being also known as Broadway, from log mile 4.71, which point is now the South Fulton City Limits, to log mile 5.78, which is .18 miles north of McKimney Street, be 45 miles per hour; and that the speed limit from log mile 5.78 to the Kentucky State Line be 35 miles per hour. (1985 Code, § 9-305, as amended by Ord. #89-6, Nov. 1989)

**15-306. In certain subdivisions of the city.** The speed limit on all streets within the Howard Milam Subdivision, The Town and Country Subdivision, and the Pierce Station Road Subdivision shall be 25 miles per hour. (Ord. #89-2, June 1989)



## 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.<sup>1</sup> (1985 Code, § 9-401)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1985 Code, § 9-402)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1985 Code, § 9-403)

**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. (1985 Code, § 9-404)

**15-405. U-turns.** U-turns are prohibited. (1985 Code, § 9-405)

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<sup>1</sup>State 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. At pedestrian-control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> 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, or of a police vehicle properly and lawfully making use of an audible signal only, 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. (1985 Code, § 9-501)

**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. (1985 Code, § 9-502)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1985 Code, § 9-503)

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

**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 nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately 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. (1985 Code, § 9-504)

**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. (1985 Code, § 9-505)

**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. (1985 Code, § 9-506)

**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 such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1985 Code, § 9-507)

**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 city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1985 Code, § 9-508)

**15-509. At pedestrian-control signals.** Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1985 Code, § 9-509)

**15-510. 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,<sup>1</sup> except in an emergency. (1985 Code, § 9-510)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.
- 15-613. One hour parking on Broadway.
- 15-614. Curbside parking on Central Avenue.
- 15-615. Curbside parking on Rosenwald Drive.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1985 Code, § 9-601)

**15-602. Angle parking.** On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall

back a vehicle into such a parking space but shall park the vehicle with its front wheels next to the curb or edge of the street. 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. (1985 Code, § 9-602)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1985 Code, § 9-603)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the city, nor:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen (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 city. (1985 Code, § 9-604)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1985 Code, § 9-605)

**15-606. Regulation by parking meters.** In the absence of an official sign to the contrary which has been installed by the city, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the board of commissioners, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (1985 Code, § 9-606)

**15-607. Lawful parking in parking meter spaces.** Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1985 Code, § 9-607)

**15-608. Unlawful parking in parking meter spaces.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1985 Code, § 9-608)

**15-609. Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1985 Code, § 9-609)

**15-610. Unlawful to deface or tamper with meters.** It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1985 Code, § 9-610)

**15-611. Unlawful to deposit slugs in meters.** It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1985 Code, § 9-611)

**15-612. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1985 Code, § 9-612)

**15-613. One hour parking on Broadway.** It shall be unlawful for the owner or operator to park or allow his vehicle to be parked for a period of time



in excess of one hour in the city on that portion of the street named Broadway which lies between State Line Road and Harris Folk Circle. (1985 Code, § 9-613)

**15-614. Curbside parking on Central Avenue.** Curbside parking will be lawfully allowed only on the west side of Central Avenue, from East State Line Road to Gin Street, in the City of South Fulton. (Ord. #94-4, June 1994)

**15-615. Curbside parking on Rosenwald Drive.** Curbside parking will not be lawfully allowed on the north side of Rosenwald Drive from Craig Street to the Ken-Tenn Community Center, in the City of South Fulton. (Ord. #95-5, Nov. 1995)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1985 Code, § 9-801)

**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. (1985 Code, § 9-802)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1985 Code, § 9-803, modified)

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage costs shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1985 Code, § 9-804)

**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. (1985 Code, § 9-805)

**15-706. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant for his arrest is issued, his fine shall be three dollars (\$3.00).

(b) Other parking violations excluding handicapped parking. For other parking violations, excluding handicapped parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be five dollars (\$5.00).

## CHAPTER 8

### VEHICLE REGISTRATION

#### SECTION

15-801. Registration.

15-802. Fees.

15-803. Collection of fees.

15-804. Transfer of certification.

15-805. Annual registration required.

15-806. Violation.

**15-801. Registration.** Every person, firm, business or corporation living in or having and/or operating a place of business in South Fulton and having motor vehicles regularly using the city street shall be required to register any and all motor vehicles held by the person, firm, business or corporation, with the Obion County court clerk annually and as evidence of registration of each motor vehicle, the Obion County court clerk shall issue a registration certificate for each vehicle registered. A certificate of registration for not more than two motor vehicles shall be issued at no charge to an ex-prisoner of war, upon producing evidence satisfactory to Obion County court clerk of his or her being an ex-prisoner of war or surviving spouse of an ex-prisoner of war.

The city registration shall expire at the same time as each motor vehicle's state license plate.

The Obion County court clerk shall issue the certificate of registration at the same time as the state license plate for each motor vehicle is purchased. (Ord. #92-2, March 1992, as replaced by Ord. #94-10, § 1, Nov. 1994)

**15-802. Fees.** The fee for each motor vehicle as described herein for using the city streets shall be \$20.00 if timely registered. An additional fee of \$4.00 shall be charged for motor vehicles not timely registered. The city's definition of timely registration shall be the same as that set forth by the resolution of the Obion County Commission for collection of its wheel tax. (Ord. #92-2, March 1992, as replaced by Ord. #94-10, § 2, Nov. 1994)

**15-803. Collection of fees.** The mayor is authorized and directed to execute on behalf of the city a contract with Obion County and/or its county clerk containing such terms and provisions as will carry out the intent of this chapter as authorized by Section 7-51-703, Tennessee Code Annotated. The collection of the fees for the city will be done on the same basis and in the same manner as provided by resolution of the Obion County Commission for collection of its wheel tax and shall provide the same collection procedure and the same proration as required by the resolution adopted by the County Commission for

collection of its wheel tax. The contract shall also contain other terms and provisions about the remittance of the fees collected by the county clerk to the city as the mayor may deem appropriate on behalf of the city. (Ord. #92-2, March 1992, as replaced by Ord. #94-10, § 3, Nov. 1994)

**15-804. Transfer of certification.** The city's requirement relating to the transfer of the city's certification for registration shall be the same as that provided by the resolution for Obion County as adopted by Obion County Commission for collection of its wheel tax and certificates issued by the county clerk shall be evidence of payment of the city's fee. (Ord. #92-2, March 1992, as replaced by Ord. #94-10, § 4, Nov. 1994)

**15-805. Annual registration required.** Any person, firm, business or corporation owning or operating an automobile agency and/or used motor vehicle lot in South Fulton shall be required to purchase an annual city registration for every vehicle for which a state license plate is purchased, demonstrator or otherwise; and the fee shall be twenty dollars (\$20.00) for each dealer certificate of registration. (Ord. #92-2, March 1992, as replaced by Ord. #94-10, § 5, Nov. 1994)

**15-806. Violation.** Any person, firm, business or corporation who violates this chapter shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars nor more than fifty dollars plus the court costs, and the city judge shall not have any authority to dismiss any citation issued by any authorized officer if the court finds that there has been a violation of this chapter, and the fine and payment of the court costs shall be mandatory. Each day that a person, firm, business or corporation violates this section shall be a separate offense. (Ord. #92-2, March 1992, as replaced by Ord. #94-10, § 6, Nov. 1994)

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1985 Code, § 12-201)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley, or sidewalk at a height of less than fourteen (14) feet. (1985 Code, § 12-202)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1985 Code, § 12-203)

**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.<sup>1</sup> (1985 Code, § 12-204)

**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 commissioners. (1985 Code, § 12-205)

**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. (1985 Code, § 12-206)

**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. (1985 Code, § 12-207)

**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. (1985 Code, § 12-208)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk. (1985 Code, § 12-209)

**16-110. Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

exhibition on the public streets without some responsible representative first securing a permit from the recorder.

No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1985 Code, § 12-210)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1985 Code, § 12-211, modified)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1985 Code, § 12-212)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1985 Code, § 12-213)



## CHAPTER 2

### EXCAVATIONS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 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. (1985 Code, § 12-101)

**16-202. Applications.** Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1985 Code, § 12-102)

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<sup>1</sup>State 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).

Municipal code reference

Use of power equipment in excavations: title 20, chapter 2.

**16-203. Fees.** The fee for such permits shall be two dollars (\$2.00), which shall be paid to the city recorder, 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. (1985 Code, § 12-103)

**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 city manager may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1985 Code, § 12-104)

**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. (1985 Code, § 12-105)

**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 city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge

the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1985 Code, § 12-106)

**16-207. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the nature of the risk involved; provided, however, that 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. (1985 Code, § 12-107)

**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 refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1985 Code, § 12-108)

**16-209. Supervision.** The city manager shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1985 Code, § 12-109)

**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 city manager. 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 out into the street. (1985 Code, § 12-110)

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Storage of refuse.
- 17-104. Confiscation of unsatisfactory storage containers.
- 17-105. Limits of responsibility of refuse collectors.
- 17-106. Collection of refuse.
- 17-107. Refuse disposal at city dump restricted.
- 17-108. Refuse disposal at city dump by non-resident.
- 17-109. Methods of disposal restricted.
- 17-110. Dumping in streams, sewers, and drains prohibited.
- 17-111. Service of compliance orders.
- 17-112. Violations.

**17-101. Definitions.** (1) "Refuse." The term, "refuse," as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, and all other putrescible and non-putrescible, combustible and non-combustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from handling and sale of produce and other similar unwanted materials, but shall not include sewage, body wastes, or recognizable industrial by-products from all residences and establishments public and private.

(2) "Garbage." The term, "garbage," shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products from all public and private residences and establishments.

(3) "Rubbish." The term, "rubbish," shall include all non-putrescible waste materials except ashes from all public and private residences and establishments, including but not limited to scrap material, sheet rock, roofing

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

materials, plywood, brick or any other material left over from building, repairing, remodeling, or removing a structure of any type.

(4) "Ashes." The term "ashes," shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(5) "Collector." The term, "collector," shall mean any person, firm, corporation, that collects, transports, or disposes of any refuse within the corporate limits of South Fulton, Tennessee.

(6) "Health officer." The term, "health officer," shall mean the health authority of the City of South Fulton or his authorized representative. (1985 Code, § 8-101)

**17-102. Premises to be kept clean.** All persons, firms, and corporations within the corporate limits of the City of South Fulton are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1985 Code, § 8-102)

**17-103. Storage of refuse.** Each owner, occupant, tenant, subtenant, lessee or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of South Fulton, where refuse materials or substances, as defined in § 17-101, accumulate or are likely to accumulate, shall provide an adequate number (not less than 2) of suitable containers of a type approved by the health officer, for the storage of such refuse. Such containers shall be constructed of strong and durable metal or plastic, not readily corrodible, rodent and insect-proof, of a capacity not exceeding 30 gallons and not less than 20 gallons, except that the maximum capacity shall not apply in cases where the city is equipped to handle containers of similar construction mechanically. Owners of rental dwelling units shall at all times provide at least two (2) containers as described herein per each dwelling unit. Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight fitting lids or covers, constructed of the same material of such design as to preclude the free access of flies and other insects and to prevent the container from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by an official collector. Such storage containers should be placed in a convenient accessible location for trucking as may be designated by the official refuse collecting agency.

Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it into the storage receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (1985 Code, § 8-103)

**17-104. Confiscation of unsatisfactory storage containers.** The official refuse collecting agency of the city is herein authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when at the discretion of the health officer such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owners of such containers have been duly notified of such impending action. (1985 Code, § 8-104)

**17-105. Limits of responsibility of refuse collector.** In no case will it be the responsibility of the refuse collecting agency of the city to shovel or pick up from the ground any accumulations of refuse including leaves, lawn clippings, brush, and packing material. All such materials are to be placed in containers of the type described in § 17-103 or of a type and design which will meet with the approval of the health officer and the requirements of the official refuse collecting agency. (1985 Code, § 8-105)

**17-106. Collection of refuse.** (1) Collection interval. All refuse, as defined in § 17-101(1) shall be collected at least one (1) time per week in residential areas and as frequently as necessary in commercial and other similar areas. The collection of refuse shall be under the immediate supervision of the refuse collection department of the city.

(2) Permits. No person, firm, or corporation shall engage in the business of collecting refuse or removing the contents of any refuse container (other than the owner of such containers) for any purpose whatsoever, who does not possess a permit to do so from appropriate authority of the City of South Fulton. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permits may be suspended or revoked upon the violations of any of the terms of this chapter.

(3) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent

the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds.

(4) Disposal service charge. The monthly charge for refuse collection and/or disposal service rendered to each owner, occupant, or other responsible person using or occupying any building, house, structure, apartment or dwelling unit as a residence, shall be as determined from time to time by resolution of the city commission.<sup>1</sup>

The monthly charge for refuse collection and/or disposal service rendered to commercial establishments shall be as determined from time to time by the city manager.

Commercial and residential monthly service charges shall be billed at the same time and upon the same statement as for water service charges and sewer service charges, and shall be due and payable at the same time and under the same conditions and terms as are the water and sewer service charges.<sup>2</sup> In those cases where more than one commercial establishment, owner, occupant or other responsible person receives water service from a single water meter, the monthly service charge for each commercial or residential unit shall be billed to the person, firm or corporation in whose names such water meter is listed or recorded on the records of the city.

Group meetings and traveling shows such as circuses, carnivals, minstrels, etc., shall pay the city for cleaning up and hauling off their refuse. The charge for such service shall be determined by the city manager and shall be paid to the city at the time the license or permit to exhibit is issued.

(5) Removal of rubbish and scrap material. The removal of rubbish and scrap material is the responsibility of the property owner and shall be removed in the following manner:

(a) Rubbish such as scrap lumber and scrap materials as defined above, from building, repairing, remodeling or removing by commercial carpenters, builders or others in the building trade or the owners' employee or employees shall be disposed of or removed from the premises by those doing the work or any person responsible for doing the work.

(b) Rubbish and scrap material as defined above will be transported to the city landfill after obtaining a permit at the city hall

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<sup>1</sup>Municipal code reference

Charges for non-resident dumping of garbage at city dump: § 17-108.

Administrative ordinances, resolutions and motions are of record in the office of the city recorder.

<sup>2</sup>Municipal code reference

Water and sewer service administration: title 18.



and paying the appropriate fee. Said fee to be based on the size of the load.

(c) Any rubbish or scraps as defined above that is not removed as stated above shall be removed by the city and the city will charge the property owner for wages paid, times 120 percent, plus \$5.00 per truck load or any part of a truck load. (1985 Code, § 8-106)

**17-107. Refuse disposal at city dump restricted.** The city dump shall keep regular hours for the dumping of authorized garbage, refuse, ashes and materials, which hours shall be posted at the entrance to said dump.

It shall be unlawful for any person, firm or corporation to dump refuse, garbage, ashes, discarded furniture, discarded appliances or other materials at, near or adjacent to said city dump at any other time than as designated and authorized by the City of South Fulton and posted at said dump.

Solid waste picked up in Kentucky must be dumped elsewhere.

It shall be unlawful for any other dumping than as herein specified. (1985 Code, § 8-107)

**17-108. Refuse disposal by non-residents.** Non-resident persons and business desiring to dump refuse and garbage at the city dump shall be subject to the following regulations:

(1) Persons or businesses desiring to dump garbage or refuse originating outside the corporate limits of South Fulton at the city dump must first secure a permit for said dumping at the South Fulton City Hall.

(2) A permit for said dumping will be issued only after payment of the established and existing fee or fees for the particular type of dumping requested.

The city shall reserve the right to deny a permit to any person or business, if it is determined by the city that such dumping would be detrimental to the best interests of the city.

(3) The rate of charge for such dumping, as described above, shall be as follows:

<u>Vehicle</u>	<u>Amount</u>
Car	\$1.00
Pick-up Truck	1.50
2 Wheel Trailer	1.50
Pick-up Truck (with stake sides)	2.50
Four wheel wagon	2.50
Large trucks	5.00

(1985 Code, § 8-108)

**17-109. Methods of disposal restricted.** The disposal of refuse in any quantity by any individual, house holder, establishment, firm, corporation in

any place public or private, other than the site or sites designated by the constituted authority of the City of South Fulton is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the Department of Health, and provided that such methods shall include the maximum practical, rodent, insect, and nuisance control at the place of disposal, and provided that no garbage shall be fed to swine unless said garbage has first been heated to at least 212 degrees fahrenheit and held there at least 30 minutes in apparatus and by methods approved by the Tennessee Department of Agriculture as set forth in Tennessee Code Annotated, title 44, chapter 2, part 4. Provided further that animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at 40 pounds per square inch steam pressure or higher, or similarly heated by equivalent cooking. (1985 Code, § 8-109)

**17-110. Dumping in streams, sewers, and drains prohibited.** It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City of South Fulton. (1985 Code, § 8-110)

**17-111. Service of compliance orders.** It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants or lessees of such properties where violations of this chapter are known to exist and providing that such violations be corrected within the time specified by the health officer. (1985 Code, § 8-111)

**17-112. Violations.** Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice issued by the Department of Health or superintendent of the refuse collection department, with reference to the storage, accumulation or disposal of refuse as described in § 17-101, shall be guilty of a misdemeanor and shall be subject to punishment pursuant to the general penalty provisions of this code of ordinances. (1985 Code, § 8-112)

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER.
2. SEWERS.
3. INDUSTRIAL WASTEWATER.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Application and contract for service.
- 18-104. Service charges for temporary service.
- 18-105. Connection and turn-on charges.
- 18-106. Meters.
- 18-107. Meter tests.
- 18-108. Water cut-off valve.
- 18-109. Multiple services through a single meter.
- 18-110. Billing.
- 18-111. Discontinuance or refusal of service.
- 18-112. Reconnection charge.
- 18-113. Termination of service by customer.
- 18-114. Access to customers' premises.
- 18-115. Inspections.
- 18-116. Customer's responsibility for system's property.
- 18-117. Customer's responsibility for violations.
- 18-118. Supply and resale of water.
- 18-119. Unauthorized use of or interference with water supply.
- 18-120. Limited use of unmetered private fire line.
- 18-121. Damages to property due to water pressure.
- 18-122. Liability for cutoff failures.
- 18-123. Restricted use of water.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

18-124. Interruption of service.

18-125. Schedule of rates.

**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water and sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1985 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the city to private property or up to a maximum of thirty (30) feet, whichever is shorter. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's municipality's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1985 Code, § 13-102)

**18-103. Application and contract for service.** Each prospective customer desiring water service will be required before service is supplied to deposit a sum of money as prescribed by a rate schedule,<sup>1</sup> which the city may from time to time adopt by resolution. If, for any reason, a customer, after making the required deposit, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1985 Code, § 13-103)

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<sup>1</sup>This rate schedule is of record in the city recorder's office.

**18-104. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1985 Code, § 13-104)

**18-105. Connection and turn-on charges.** Service lines will be laid by the city from the water main to the property line or up to a maximum of thirty (30) feet, whichever is shorter, at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall make a deposit prescribed by a rate schedule,<sup>1</sup> which the city may from time to time adopt by resolution.

This deposit shall be used to pay the cost of laying such a new service line and appurtenant equipment.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

There shall be a standard fee of five dollars (\$5.00) for turning on water (or gas) for customers' after normal working hours for city employees and on Sundays and holidays. (1985 Code, § 13-105)

**18-106. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1985 Code, § 13-106)

**18-107. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

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<sup>1</sup>This rate schedule is of record in the city recorder's office.

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1985 Code, § 13-107)

**18-108. Water cut-off valve.** Any person, firm, or corporation building or materially altering any structure which would necessitate the installation or construction of a water line from the city meter immediately adjacent to the said structure shall install a cut-off valve in the said water line immediately adjacent to the structure.

It is the intention and purpose of this section to require the water cut-off valve to be installed in such a manner that should the water inside the structure be cut off for any reason it will not be necessary to cut the water off in the water meter. (1985 Code, § 13-108)

**18-109. Multiple services through a single meter.** No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city. (1985 Code, § 13-110)

**18-110. Billing.** Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly, at the option of the city.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice conforming to § 18-111 shall be mailed to the customer. The notice shall advise the customer that his service may be disconnected. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1985 Code, § 13-111)

**18-111. Discontinuance or refusal of service.** The board of commissioners shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations, including the nonpayment of bills.
- (2) The customer's application for service.
- (3) The customer's contract for service.

The right to discontinue service shall apply to all services received through a single connection or service, even though more than one (1) customer or tenant is furnished service, therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable written notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1985 Code, § 13-112)

**18-112. Reconnection charge.** Whenever service has been discontinued as provided for above, a reconnection charge of one dollar (\$1.00)

shall be collected by the city before service is restored, provided that reconNECTIONS done after normal hours and on Sunday or holidays shall be charged in the amount provided in § 18-105. (1968 code, § 13-113)

**18-113. Termination of service by customer.** Customers who wish to discontinue service must give at least three (3) days written notice to that effect unless an existing contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1985 Code, § 13-114)

**18-114. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1985 Code, § 13-115)

**18-115. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements or the city.



Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1985 Code, § 13-116)

**18-116. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1985 Code, § 13-117)

**18-117. Customer's responsibility for violations.** Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1985 Code, § 13-118)

**18-118. Supply and resale of water.** All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. (1985 Code, § 13-119)

**18-119. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1985 Code, § 13-120)

**18-120. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1985 Code, § 13-121)

**18-121. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his plumbing or property by

high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1985 Code, § 13-122)

**18-122. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1985 Code, § 13-123)

**18-123. Restricted use of water.** In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1985 Code, § 13-124)

**18-124. Interruption of service.** The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city water systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1985 Code, § 13-125)

**18-125. Schedule of rates.** All water furnished by the city shall be furnished under such rate schedules as the city may from time to time adopt by resolution.<sup>1</sup> (1985 Code, § 13-109)

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<sup>1</sup>Administrative regulations are of record in the office of the city recorder.

## CHAPTER 2

### SEWERS<sup>1</sup>

#### 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 and sewers restricted.
- 18-212. Classification of inspection applications, permits and fees.
- 18-213. Sewer installation and maintenance expenses.
- 18-214. Sewer installation standards.
- 18-215. Excavations.
- 18-216. Sewage control devices.
- 18-217. Unauthorized interference with city sewage works.
- 18-218. Power and authority of inspectors.
- 18-219. Enforcement of chapter.
- 18-220. Carnivals, circuses, etc.
- 18-221. Violations.

**18-201. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within one hundred (100) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "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 Health as provided for in its 1958 bulletin entitled

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<sup>1</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

"Recommended Construction of Septic Tanks and Disposal Fields for Residential Uses." 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 shall 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.

(3) "Building drain." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage piped inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

(4) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.

(5) "Combined sewer." A sewer receiving both surface runoff and sewage.

(6) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(7) "Human excreta." The bowel and kidney discharges of human beings.

(8) "Industrial wastes." The liquid wastes from industrial processes as distinct from sanitary sewage.

(9) "Inspector" shall mean the person or persons duly authorized by the city, to inspect and approve the installation of building sewers and their connection to the public sewer system.

(10) "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.

(11) "Person." Any individual, firm, company, association, society, corporation, or group.

(12) "Public sewer." A sewer in which all owners of abutting properties have equal right and is controlled by public authority.

(13) "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.

(14) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(15) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(16) "Sewage works." All facilities for collecting, pumping, creating, and disposing of sewage.

(17) "Sewer." A pipe or conduit for carrying sewage.

(18) "Shall" is mandatory; "May" is permissive.

(19) "Superintendent". The Superintendent of the Municipal Sewage Works of the City of South Fulton, Tennessee, or his authorized deputy, agent or representative.

(20) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1985 Code, § 13-201)

**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. (1985 Code, § 13-202)

**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. (1985 Code, § 13-203)

**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 system 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. (1985 Code, § 13-204)

**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. (1985 Code, § 13-205)

**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. (1985 Code, § 13-206)

**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. (1985 Code, § 13-207)

**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 within ninety (90) days after date of official notice to do so. (1985 Code, § 13-208)

**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. (1985 Code, § 13-209)

**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. (1985 Code, § 13-210)

**18-211. Discharge into watercourses and sewers restricted.**

(1) 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.

(2) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(3) 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.

(4) No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

(5) The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(6) Specific pollutant limitations: It shall be unlawful for any person to discharge wastewater containing any one or more of the following metals in excess of the amounts shown below:

<u>METALS</u>	<u>MICRO GRAMS PER LITER</u>
Cadmium	1.6
Chromium	158.0
Copper	55.3
Cyanide	11.0
Lead	37.8
Nickel	214.3
Zinc	156.2
Phenol	1.6

(7) 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 city 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 not be made available for inspection by the public but shall be made available upon written



request to governmental agencies for uses related to this section, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user. (1985 Code, § 13-211, as amended by Ord. #87-2, April 1987)

**18-212. Classification of inspection applications, permits, and fees.** There shall be two (2) classes of building sewer inspections:

- (1) For residential and commercial service, and,
- (2) For service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the city. The inspection applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of two dollars (\$2.00) for a residential or commercial building sewer inspection and three dollars (\$3.00) for an industrial building sewer inspection shall be paid to the city recorder at the time the application is filed. (1985 Code, § 13-212)

**18-213. Sewer installation and maintenance expenses.** All costs and expenses incident to the installation and connection of the building sewer shall be born by the owner. The owner or the person installing the building sewer for said owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation. Before a connection to the public sewer can be made the owner will be required to deposit the cost of the tap or a reasonable estimate of the cost at the time the sewer tap is requested to be made.

After the installation date of the sewer tap, the responsibility for repairing, maintaining and eliminating stoppage in the sewer line, which is on the owner's property, shall be the entire responsibility of the property owner.

The property owner is responsible for reimbursing the city for any work that is done on that part of the sewer line within the street right-of-way, if there is a stoppage in said sewer line caused by an item or items placed therein by the owner or any person using the property of the owner. (1985 Code, § 13-213)

**18-214. Sewer installation standards.** The following standards shall apply to the installation of sewers under this chapter:

(1) Every building to be provided with independent sewer. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or 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. Other exceptions will be allowed only by special permission granted by the superintendent.

(2) Use of old sewer in new building. Old building sewers, or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this chapter.

(3) Materials to be used for construction of building sewers. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Clay Sewer Pipe or Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fitting. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the said inspector.

(4) How joints and connections are to be made. All joints and connections shall be made gas tight and water tight. Vitrified Clay Sewer Pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. "Specification for Vitrified Clay Pipe Joints Having Resilient Properties" (designation C425).

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together.

The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved.

(5) Size and slope of building sewer. The size and slope of the building sewers shall be subject to the approval of the inspector, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-eighth (1/8) inch per foot. A slope of one-fourth (1/4) inch per foot shall be used wherever practical.

(6) Elevation of building sewer. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with A.S.T.M. specification (designation C12) except that no backfill shall be placed until the work has been inspected by the inspector or his representative.

(7) Elevation of building drain. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

(8) Connection of building sewer to public sewer. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the inspector. All connections to the public sewer whether at a designated "Y" branch or otherwise shall be done by city personnel.

(9) Inspection required before connection of building sewer to public sewer. The applicant for the building sewer shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative. (1985 Code, § 13-214)

**18-215. Excavations.**<sup>1</sup> All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said city. (1985 Code, § 13-215)

**18-216. Sewage control devices.** (1) When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be

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<sup>1</sup>Municipal code references

Control and use of power equipment on property: title 20, chapter 2.  
Excavations and cuts: title 16, chapter 2.

determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Grease, oil, and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (1985 Code, § 13-216)

**18-217. Unauthorized interference with city sewage works.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage work. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1985 Code, § 13-217)

**18-218. Powers and authority of inspectors.** The superintendent, inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. (1985 Code, § 13-218)

**18-219. 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 term 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 ninety (90) 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. (1985 Code, § 13-219)

**18-220. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of person 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 ninety (90) days provided for in the preceding section. (1985 Code, § 13-220)

**18-221. Violations.** Any person, persons, firm, association, 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. (1985 Code, § 13-221)

## CHAPTER 3

### INDUSTRIAL WASTEWATER

#### SECTION

18-301. General provisions.

18-302. Regulations.

18-303. Fees.

18-304. Administration.

18-305. Enforcement of industrial wastewater discharge permit.

**18-301. General provisions.** (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of South Fulton and enables the city to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendments, and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (a) To protect the public health;
- (b) To prevent the introduction of pollutants into the POTW system which will interfere with the operation of the system or contaminate the resulting sludge;
- (c) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (d) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW system; and
- (e) To provide for the full and equitable distribution of the cost of the POTW system.

This chapter provides for the regulation of contributors to the POTW 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, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

This chapter shall apply to the City of South Fulton and to persons outside the city who are, by contract or agreement with the city, users of the POTW. Except as otherwise provided herein, the city manager of the POTW shall administer, implement, and enforce the provisions of this chapter.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "Act or "the Act"." The Federal Water Pollution Control Act, enacted by Public Law 92.500, October 18, 1972, 33 USC 1251 *et. seq.*; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

(b) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation.

(c) "Authorized Representative of Industrial User." An authorized representative of an Industrial User may be:

(i) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;

(ii) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;

(iii) 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.

(d) "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 degrees centigrade expressed in terms of weight and concentration.

(e) "Building Sewer." A sewer conveying wastewater from the premises of an Industrial User to the POTW.

(f) "Categorical Pretreatment Standards." See National Pretreatment Standard or Pretreatment Standard.

(g) "Categorical Industrial User." An Industrial User subject to Categorical or National Pretreatment Standards.

(h) "Chronic Violation." The term used to describe violations of an Industrial Wastewater Discharge Permit when the limit for any one parameter listed in the Permit is exceeded by any magnitude for sixty-six (66) percent or more of the total industrial self-monitoring plus Control Authority Compliance monitoring measurements made in the six month period covered by the semi-annual report required by the Approval Authority.

(i) "Cooling Water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(j) "Control Authority." The term "Control Authority" shall refer to the City Manager or his authorized representative.

(k) "Conventional Pollutants." Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).

(l) "Daily Maximum Limits." The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(m) "Direct Discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(n) "Domestic Wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit, or dwelling unit equivalent, containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and Industrial Users.

(o) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(p) "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.

(q) "Holding Tank Waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(r) "Indirect Discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the system).

(s) "Industrial User (IU)." A source of non-domestic waste. Any non-domestic source discharging pollutants to the POTW.

(t) "Industrial Wastewater Discharge Permit." As set forth in section 18-304(3) of this chapter.

(u) "Instantaneous Maximum Limit." The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(v) "Interference." An indirect discharge which, alone or in conjunction with an indirect discharge or discharges from other sources, both:



(i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(ii) Therefore, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

(w) "National Pretreatment Standard or Pretreatment Standard." Any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the ACT which applies to a specific category of Industrial Users and provides limitations on the introduction of pollutants into POTW's (40 CFR 403.6 and 405-471). This term includes the national prohibited discharge standards under 40 CFR 403.5, including local limits [40 CFR 403.3 (j)].

(x) "National Prohibitive Discharges." Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

(y) "New Source." Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed National Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located, or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the

same general type of activity as the existing source should be considered.

(A) Construction on the site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this paragraph but otherwise alters, replaces, or adds to existing process or production equipment.

(B) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin as part of a continuous on-site construction program;

(a) Any placement, assembly or installation of facilities or equipment; or

(b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

(z) "National Pollutant Discharge Elimination System or NPDES Permit." A permit issued to a POTW pursuant to Section 402 or the Act.

(aa) "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.

(bb) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(cc) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(dd) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(ee) "Pretreatment." 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. [40 CFR Section 403.3(q)].

(ff) "Pretreatment Requirements." Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User, including but not limited to discharge limits, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(gg) "Prohibited Discharge." Discharge of a pollutant which may cause pass-through or interference to the POTW, pursuant to 40 CFR 403.5.

(hh) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to pipes, sewers or other conveyances no connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city, users of the POTW.

(ii) "POTW Treatment Plant." That portion of the POTW designed to provide treatment to wastewater.

(jj) "Shall" is mandatory: "May" is permissive.

(kk) "Sanitary Sewer." A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(ll) "Significant Industrial User." Any Industrial User of the POTW system who:

(i) is a categorical Industrial User, or

(ii) has a discharge flow to the POTW of 25,000 gallons or more per average work day of process wastewater (excluding sanitary, noncontact cooling and boiler blow down wastewater), or

(iii) has a process wastewater discharge flow or conventional pollutant waste load greater than 5% of the base flow or waste load in the POTW system, or

(iv) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of Tennessee Statutes or rules, or

(v) is found by the City, Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality, or air emissions generated by the POTW system.

(mm) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements which meet one or more of the following criteria:

(i) Violations of wastewater discharge limits.

(A) Chronic Violations,

(B) Technical review criteria (TRC) violations,

(C) Any other violation(s) of an industrial wastewater discharge permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public, or

(D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(ii) Violations of compliance schedule milestones, contained in an enforcement order by 90 days or more after the schedule date. Milestone may include but not be limited to dates for starting construction, completing construction and attaining final compliance.

(iii) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within 30 days from the due date.

(iv) Failure to accurately reports noncompliance.

(nn) "Significant Violation." A violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under CFR 403.8(f) (2) (vi) (B) and 403.8(f) (2) (vii).

(oo) "State." State of Tennessee.

(pp) "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, 1987.

(qq) "Storm Water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(rr) "Surcharge." A fee charged to Industrial Users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat, but which do not cause an interference with the POTW.

(ss) "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.

(tt) "Technical Review Criteria (TRC) Violation." The term used to describe violations of an Industrial Wastewater Discharge Permit when:

(i) The limit for Biochemical Oxygen Demand, Total Suspended Solids, Ammonia Nitrogen, fats, oil and grease is exceeded by 140 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus Control Authority compliance monitoring measurements made in the six-month period covered by the semiannual report required by the approval authority.

(ii) The limit for any other pollutant, except pH, is exceeded by 120 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus Control Authority compliance monitoring measurements made in the six-month period covered by the semi-annual report required by the Approval Authority.

(uu) "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 Section 307(a) of the Act (40 CFR 403 Appendix B).

(vv) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

(ww) "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.

(xx) "Waters of the State." All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private,

which are contained within, flow through, or border upon the state of any portion thereof.

(yy) "City." The City of South Fulton and/or the Mayor and Council of the City of South Fulton.

(3) Abbreviations. The following abbreviations shall have the designated meanings:

<u>BOD</u>	-	Biochemical Oxygen Demand
<u>CFR</u>	-	Code of Federal Regulations
<u>COD</u>	-	Chemical Oxygen Demand
<u>EPA</u>	-	Environmental Protection Agency
<u>l</u>	-	Liter
<u>mg</u>	-	Milligrams
<u>mg/l</u>	-	Milligrams per liter
<u>NH3-N</u>	-	Ammonia Nitrogen
<u>NPDES</u>	-	National Pollutant Discharge Elimination System
<u>POTW</u>	-	Publicly Owned Treatment Works
<u>SIC</u>	-	Standard Industrial Classification
<u>SWDA</u>	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
<u>USC</u>	-	United States Code
<u>TSS</u>	-	Total Suspended Solids (1985 Code, § 13-302, as replaced by Ord. #94-7, § 1, June 1994)

**18-302. Regulations.** (1) Use of public sewers required. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of South Fulton, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge any wastewater to any waters of the state within the city, or in any area under the jurisdiction of the city.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the City of South Fulton.

The owner of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of South Fulton, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this chapter within 60 days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the Control Authority.

Where a POTW sanitary sewer is not available within 500 feet of the building sewer, the building sewer shall be connected to a private subsurface

sewage disposal system complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, Division of Groundwater Protection Chapter 1200-1-6, New and Amended Rules, Regulations to Govern Subsurface Sewage Disposal Systems.

The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade equivalent to 1/8-inch per foot in the building sewer, but is otherwise accessible to a public sewer as provided in section 18-302 (1). The owner shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

(2) Building sewers and connections. (a) General. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the control authority.

All cost and expense incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no building 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.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the control authority, meeting all requirements of this chapter. All others must be sealed to the specifications of the control authority.

(b) "Building sewer construction." Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be six (6) inches.

(ii) The minimum depth of a building sewer shall be eighteen (18) inches.

(iii) Six (6) inch building sewers shall be laid on a grade equal to or greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of (1) cast iron soil pipe or ductile iron pipe with compression joints or (2)

polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the tap onto the POTW sanitary sewer and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a six (6) inch pipe.

(vii) Connections of building sewers to POTW sanitary sewer shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the control authority. All such connections shall be made gas tight and water tight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW sanitary sewer is at a grade of 1/8-inch per foot or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(ix) The method to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No.



9. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(x) An installed building sewer shall be gas tight and water tight.

(xi) 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 control authority.

(xii) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a POTW sanitary sewer.

(c) Inspection of connections. (i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the control authority before the underground portion is covered.

(ii) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the POTW sanitary sewer. The connection shall be made under the supervision of the control authority.

(d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is water tight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet specifications of the city. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the POTW sewer system are identified on building sewers on private property, the city manager may take any of the following actions.

(i) Notify the user in writing of the nature of the problem(s) identified on the User's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within 60 days from the date of the written notice and entirely at the expense of the user.

(ii) Notify the user in writing of the nature of the problem(s) identified on the user building sewer and inform the user that the city will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer

within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials used will be charged to the user. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the user shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work.

(3) 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 user's 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.

(a) Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW 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 Limits (LEL) of the meter or have a closed cup flashpoint of less than 140 degrees F using the test method specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, 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.

(c) Any wastewater having pH less than 6.0 or more than 9.0, or wastewater having any other corrosive property capable of causing

damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any POTW treatment plant process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed any limitation set forth in a Categorical Pretreatment Standard.

(e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or acute worker health and safety problems or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations 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.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature which will cause the wastewater temperature at the introduction into the POTW to exceed 40 degrees C (104 degrees F).

(j) Any pollutants, including oxygen demanding pollutants, such as BOD, NH<sub>3</sub>-N, and oil and grease, released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities 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.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits

established by the city manager in compliance with applicable state or federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any wastewater containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between 0 degrees C (32 degrees F) and 40 degrees C (104 degrees F) and/or cause interference or pass-through at the POTW treatment plant.

(n) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the city manager and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the city manager and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(o) Any trucked or hauled pollutants except at discharge points designated by the POTW.

When the control authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall: (1) Advise the user of the impact of the contribution on the POTW; and (2) Develop effluent limitations for such user to correct the interference with the POTW.

(4) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards for new and existing sources set out in 40 CFR, Subchapter N, Parts 405 through 471 shall serve as the minimum requirements for all applicable Industrial Users.

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under section 18-302(6) of this chapter for industrial users in that subcategory, shall immediately supersede the limitations imposed under section 18-302(6) of this chapter. The control authority shall notify all affected Industrial Users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Modification of National Categorical Pretreatment Standards. If the POTW system achieves consistent removal of pollutants limited by National Pretreatment Standards, the city may apply to the approval authority for modification of specific limits in the National Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of

the samples taken when measured according to the procedures set forth in Section 403.7(a) (3) (ii) 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 city may then modify pollutant discharge limits in the National 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.

(6) Specific pollutant limitations. (a) Restrictions on wastewater strength. No person shall discharge wastewater containing in excess of the concentrations listed for each of the following pollutants:

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Copper	9.0	18.0
Total Chromium	14.0	28.0
Nickel	8.2	16.4
Cadmium	2.4	4.8
Lead	1.2	2.4
Mercury	0.1	0.2
Silver	2.4	4.8
Zinc	4.2	8.4
Cyanide	1.9	3.8
Toluene	2.6	5.2
Benzene	0.4	0.8
1,1,1, Trichloroethane	12.6	25.2
Ethylbenzene	1.0	2.0
Carbon Tetrachloride	1.6	3.2
Chloroform	8.0	16.0
Tetrachloroethylene	3.0	6.0
Trichloroethylene	6.2	12.4
1,2 trans Dichloroethylene	1.6	3.2
Methylene Chloride	17.4	34.8
Total Phenols	3.4	6.8
Naphthalene	0.4	0.8
Total Phthalates	4.2	8.4

\*Based on 24-hour flow proportional composite samples.

Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent

methods approved by the United States Environmental Protection Agency.

(b) Criteria to protect the POTW treatment plant influent. The city shall monitor the POTW treatment plant influent for each parameter in the following table. Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. All Industrial Users shall be subject to the reporting and monitoring requirements set forth in section 18-304(3)(h), Reporting Requirements for Permittee, and section 18-304(3)(j), Inspection and Sampling, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city such remedial measures as are necessary including, but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or in regulation affecting same or in the event changes are needed for more effective operation of the POTW.

Parameter	Benzene 1,1,1 Trichloroethane Ethylbenzene	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)
BOD *		200
TSS *		200
NH3-N		20
Oil & Grease		100
Copper		0.20
Total Chromium		0.16
Nickel		0.40
Cadmium		0.01
Lead		0.13
Mercury		0.001
Silver		0.02
Zinc		0.48
Cyanide		0.73
Toluene		0.13

<p>0.02 0.63 0.05</p>	<p>Maximum Instantaneous Concentration Grab Sample (mg/1)</p> <p>400 400 40 200</p> <p>0.40 0.32 0.80 0.02 0.26 0.002 0.04 0.96 1.46 0.26 0.04 1.26 0.10</p>	
	<p>Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/1)</p>	<p>Maximum Instantaneous Concentration Grab Sample (mg/1)</p>
<p>Parameter</p> <p>Carbon Tetrachloride Chloroform Tetrachloroethylene Trichloroethylene 1,2 trans Dichloroethylene Methylene Chloride Total Phenols Naphthalene Total Phthalates</p>	<p>0.08 0.40 0.15 0.31 0.08 0.87 0.17 0.02 0.21</p>	<p>0.16 0.80 0.30 0.62 0.16 1.74 0.34 0.04 0.42</p>

\*Wastewater Treatment Plant Design Value.

(7) Conventional pollutants. (a) BOD TSS and NH3-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH3-N). If an Industrial User discharges concentrations of these pollutants in excess of the Criteria to Protect the POTW Treatment Plant influent listing in section 18-302(6)(b) of this chapter, added operation and maintenance costs will be incurred by the POTW. Therefore, any Industrial User who discharges concentrations in excess of the Criteria to Protect the POTW Treatment Plant influent listed in Section 18-302(6)(b) of this chapter for any of the conventional pollutants such as BOD, TSS, and/or NH3-N will be subject to a surcharge. The formula for this surcharge is listed in section 18-303(3) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for BOD, TSS and/or NH3-N on the Industrial User if the Industrial User's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

(b) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

"Free" and "Emulsified" oil and grease shall be differentiated based on the following procedure.

One aliquot of sample shall be extracted with freon using EPA Method 413.1, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "Free" oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until any emulsion breaks. The sample shall then be extracted with freon using EPA Method 413.1. The result of this analysis will be considered "Total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "Total" and "Free" oil and grease.

If an Industrial User discharges concentrations of "Free" oil and grease in excess of the Criteria to Protect the POTW Treatment Plant influent listed in section 18-302(6)(b) of this chapter for "Free" oil and grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any Industrial User who discharges concentrations in excess of the Criteria to Protect the POTW Treatment Plant influent listed in section 18-302(6)(b) for "Free" oil and grease will be subject to a surcharge. The formula for this surcharge is listed in section 18-303 of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for "Free" oil and grease on the Industrial User if the Industrial User's discharge of the excessive



strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

(8) 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.

(9) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on users of the POTW system if deemed necessary to comply with the objectives presented in section 18-301(1) of this chapter.

(10) Excessive discharges. No Industrial User shall ever increase the use of process water or, in any way, attempt to dilute a discharge by adding wastewater that would not have been generated except for use as a dilutant as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state.

(11) Accidental discharges. (a) Protection from accidental discharge. Each Industrial User shall provide protection from accidental 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 Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility. No Industrial User who commences contribution to the POTW after the effective date of this chapter<sup>1</sup> shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Control Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this chapter.

(b) Notification of Accidental Discharge. In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The Industrial User shall sample and analyze for the parameters thought to have been violated within 24 hours after discovery of the accidental discharge and

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<sup>1</sup>These provisions were taken from Ordinance #94-7 which passed final reading June 23, 1994.

report the results of the sample analysis to the Control Authority [(40 CFR 403.12(g)].

(i) Written Notice. Within five (5) days following an accidental discharge, the Industrial User shall submit to the Control Authority a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial 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 Industrial User of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(ii) Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial Users shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1985 Code, § 13-302, as replaced by Ord. #94-7, § 2, June 1994)

**18-303. Fees.** (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs from Users of the city's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

(2) Charges and fees. The city may adopt charges and fees which may include:

(a) fees for reimbursement of costs of setting up and operating the POTW's Pretreatment Program;

(b) fees for monitoring, inspections and surveillance procedures associated with Significant Industrial Users;

(c) fees for reviewing accidental discharge procedures and construction plans and specifications for Significant Industrial Users;

(d) fees for permit applications;

(e) fees for inspection of building sewer connections;

(f) fees for filing appeals of enforcement actions taken by the city;

(g) fees for treating conventional pollutants discharged to the POTW by Industrial Users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;

(h) charges to Users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW.

(i) other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(3) Surcharge fees. If an Industrial User discharges in excess of the Criteria to Protect the POTW Treatment Plant Influent set out for the conventional pollutants BOD, TSS, NH3-N, and/or oil and grease in sections 18-302(6) and 18-302(7), additional operation and maintenance costs will be incurred by the city. Therefore, any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

	Actual Monthly Average of	
Base Sewer	<u>Parameter Concentration (mg/l)</u>	Base Sewer
Bill for X	24-Hour Flow Proportional	- Bill for
Monthly Usage	Composite Sample Criteria	Monthly Usage
	to Protect the POTW	
	Treatment Plant Influent	

The city also reserves the right to, at any time, place limits which may not be exceeded on the Industrial User's discharge if the Industrial User's discharge of the excessive strength wastewater causes to the POTW Treatment Plant to violate its NPDES permit.

As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (1985 Code, § 13-303, as replaced by Ord. #94-7, § 3, June 1994)

**18-304. Administration.** (1) Wastewater-discharge permits. There shall be two classes of building sewer permits:

(a) for connection of residential, commercial and institutional users to the POTW, and

(b) for connection of Industrial Users to the POTW. In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority. A permit and inspection fee shall be paid to the city at the time the application is filed as set out in the city's schedule of charges and fees.

(2) Residential, commercial and institutional wastewater discharge permits. All new non-Industrial Users which generate only domestic wastewater shall make application to the city for written authorization to connect a building sewer and discharge wastewater to the POTW system. Applications shall be required from all new non-Industrial Users, as well as for any existing non-Industrial User desiring additional service. Discharge of domestic wastewater to the POTW shall not be made until the application is received and approved by the Control Authority, the building sewer is installed in accordance with section 18-302 of this chapter, and an inspection has been performed by the Control Authority or his representative.

The receipt by the Control Authority of a prospective User's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practices, the per and inspection fee will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(3) Industrial wastewater discharge permits. (a) General. All new Industrial Users shall submit a permit application as described hereinafter prior to connection of their building sewer to the POTW. The Control Authority will determine from information supplied in this application, and any other information requested, if the Industrial User is a Significant Industrial User. If the Industrial User is determined not to be a Significant Industrial User, the permit for connection of a building sewer shall be processed in accordance with section 18-304(2) of this chapter.

All Significant Industrial Users shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW.

(b) Certification. All applications, reports, etc., submitted by an Industrial User must include the certification that is found at 40 CFR 403.6(a) (2) (ii) and must be signed by an authorized representative of the Industrial User pursuant to 40 CFR 403.12(l).

(c) Permit application. Industrial Users shall complete and file with the Control Authority an application in the form prescribed by the city at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

(i) Name, address, and location, (if different from the address);

(ii) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1987, as amended;

(iii) Wastewater constituents and characteristics including but not limited to those mentioned in section 18-302 of

this chapter as determined by a reliable analytical laboratory; sampling and analyses 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;

- (iv) Time and duration of discharge;
- (v) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all process drain lines and the building sewer and appurtenances by the size, location and elevation;
- (vii) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state, or National Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet applicable Pretreatment Standards; and

(ix) If additional pretreatment and/or O&M will be required to meet the local, state or National Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable local, state or National Pretreatment Standard.

The following conditions shall apply to this schedule:

(A) 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 Industrial User to meet the applicable local, state or National Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

(B) No increment referred to in paragraph (ix)(A) shall exceed 9 months.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority 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 Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

(x) Each product produced by type, amount, process or processes and rate of production;

(xi) Type and amount of raw materials processed (average and maximum per day);

(xii) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(xiii) Any other information as may be deemed by the Control Authority to be necessary to evaluate the permit application.

The Control Authority will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Control Authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Permit modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the industrial wastewater discharge permit of Significant Industrial Users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a Significant Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for an industrial wastewater discharge permit as required by section 18-304(3)(c) of this chapter, the Significant Industrial User shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standards. In addition, any Significant Industrial User with an existing industrial wastewater discharge permit shall submit to the Control Authority within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by sections 18-304(3)(c)(viii) and (ix).

(e) Permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, charges and fees established by the city. Permits may contain the following:

- (i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (ii) Limits on the average and maximum wastewater constituents and characteristics;
- (iii) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (iv) Requirements for installation and maintenance of inspection and sampling facilities;
- (v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (vi) Compliance schedules;
- (vii) Requirements for submission of technical reports or discharge reports as required in section 18-304(3);
- (viii) Requirements for maintaining and retaining plant records relating to wastewater discharge;
- (ix) Requirements for notification of the Control Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (x) Requirements for notification of excessive discharges such as described in section 18-302(10) of this chapter;
- (xi) Requirement to immediately report any noncompliance to the Control Authority, and to immediately resample for parameter out of compliance in accordance with 40 CFR 403.12(g);
- (xii) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this chapter.

(f) 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 Industrial User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the industrial User's existing permit. The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit as limitations or requirements as identified in section 18-302 are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in his permit at least 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.

(g) Permit transfer. Industrial wastewater discharge permits are issued to a specific Industrial User for a specific operation. An industrial wastewater discharge permit shall not be reassigned or

transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the approval of the Control Authority. Any succeeding owner or Industrial User shall also comply with the terms and conditions of the existing permit.

(h) Reporting requirements for permittee. (i) Compliance date report. Within 90 days following the date for final compliance with applicable local, State or National Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to local, state or National Pretreatment Standards shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local, state or National Pretreatment Standards and the average and maximum daily flow for these process units in the Industrial User's facility which are limited by such local, state or National Pretreatment Standards. The report shall state whether the applicable local, state or National Pretreatment Standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable local, state or National Pretreatment Standards. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. (A) Any Industrial User subject to a local, state or National 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 Control Authority during the months of June and December, unless required more frequently in the local, state or National Pretreatment Standard or by the Control Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local, state or National Pretreatment Standards. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. In addition, this report shall include a record of average and maximum daily flows which during the reporting period exceeded the average daily flow if measurement of wastewater discharge flow is different from water meter readings. The flow on the



date of the sampling shall also be reported. All parameter listed on the Industrial wastewater discharge permit must be sampled and analyzed. All reports submitted by the Industrial User must include the certification required by 40 CFR 403.6(a)(2)(ii) and must bear the signature of an Authorized Representative of the Industrial User pursuant to 40 CFR 403.12(l). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(B) The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable local, state or National Pretreatment Standards, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (A) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Industrial User. These reports shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable local, state or National Pretreatment Standard.

(C) All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the Control Authority, but shall consist of a minimum time proportional composite sample made up of a minimum of four grab samples.

(i) Monitoring facilities. The Control Authority may require to be provided and operated at the Industrial User's own expenses monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. Monitoring facilities should normally be situated on the Industrial User's premises, but the Control Authority may, when such a location would be impractical or cause undue hardship on the Industrial 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 Industrial User.

Whether constructed on public or private property, sampling and monitoring facilities shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications. Where required by the Control Authority, construction of monitoring facilities shall be completed within 90 days following written notification by the Control Authority.

(j) Inspection and sampling. The Control Authority shall inspect the facilities of any Industrial 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 industrial wastewater is created or discharged shall allow the Control Authority or his representative 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 Control Authority, Approval Authority and U.S. Environmental Protection Agency shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an Industrial User has security measures in force which would require proper identification and clearance before entry into their premises, the Industrial User shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the Control Authority, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 CFR 403.12).

(k) Pretreatment. Industrial Users shall provide necessary pretreatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the National Pretreatment Regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Control Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent as required under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Control Authority prior to the Industrial User's initiation of the changes.

(l) Confidential information. Information and data on an Industrial 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 Industrial User specifically requests and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, and/or the State Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Control Authority until and unless a ten-day notification is given to the Industrial User. (1985 Code, § 13-304, as replaced by Ord. #94-7, § 4, June 1994).

**18-305. Enforcement of industrial wastewater discharge permit.**

(1) Administrative enforcement remedies. (a) General. All administrative enforcement actions taken against a Significant Industrial User, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically TCA 69-3-123.

(b) Notification of violation. Whenever the Control Authority finds that any Significant Industrial User has violated or is violating this chapter, an industrial wastewater discharge permit or order issued hereunder, the Control Authority may serve upon said Significant Industrial User written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required action, shall be submitted to the Control Authority. Submission of this plan in no way relieves the Significant Industrial User of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar

documents establishing an agreement with the Significant Industrial User responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to section 18-305(1)(e).

(d) Show cause hearing. The Control Authority may order any Significant Industrial User which causes or contributes to violation of this chapter, industrial wastewater discharge permit, or order issued hereunder, to show cause before the city why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of TCA 69-3-124. Notice shall be served on the Significant Industrial User specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the Significant Industrial User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the Significant Industrial User. Whether or not a duly notified Significant Industrial User appears as noticed, immediate enforcement action may be pursued.

(e) Compliance order. When the Control Authority finds that a Significant Industrial User has violated or continues to violate the Ordinance, an Industrial Wastewater Discharge Permit or order issued hereunder, the city may issue an order to the Significant Industrial User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the ordinance or an industrial wastewater discharge permit.

(f) Cease and desist orders. When the Control Authority finds that a Significant Industrial User has violated or continues to violate this chapter, any industrial wastewater discharge permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith.
- (ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(g) Civil penalties. Notwithstanding any other section of this chapter, any Significant Industrial User who is found to have violated any provision of this chapter, industrial wastewater discharge permit, and/or orders issued hereunder, may be fined an amount not to exceed ten thousand dollars (\$10,000.00) per violation in accordance with the provisions of TCA 69-3-125, 126, 128 and 129 and 40 CFR 403.8 (f)(1)(vi)(A). Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the Significant Industrial User's next scheduled sewer service charge and the city shall have such other collection remedies as are available to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual Significant Industrial User's property. Significant Industrial Users desiring to dispute such fines must file a request for the city to reconsider the fine within 30 days of being notified of the fine. Where the city believes a request has merit, the city shall convene a hearing on the matter within 15 days of receiving the request from the Significant Industrial User and a hearing will be held before the mayor and council in accordance with the provisions of TCA 69-3-124.

(h) Emergency suspensions. (i) The city may suspend the wastewater treatment service and/or wastewater discharge permit of a Significant Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(ii) Any Significant Industrial User notified of a suspension of wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a Significant Industrial User's failure to immediately comply voluntarily with the suspension order, the Control Authority shall take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the Significant Industrial User to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in section 18-305(1)(i) are initiated against the Significant Industrial User.

(iii) A Significant Industrial User who is responsible, in whole or in part, for imminent endangerment shall submit to the Control Authority a detailed written statement describing the causes of the harmful contribution and the measures taken to

prevent any future occurrence within five days after notification of suspension of service.

(i) Termination of permit. Any Significant Industrial User who violates the following conditions of this chapter or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the Significant Industrial User's premises for the purpose of inspection, monitoring or sampling.

Noncompliant Significant Industrial Users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under section 18-305(1)(d) of this chapter why the proposed action should not be taken.

(2) Judicial remedies. (a) General. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit issued hereunder, the city, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Obion County. Any judicial proceedings and relief shall be in accordance with the provisions of TCA 69-3-127.

(b) Injunctive relief. Whenever a Significant Industrial User has violated or continues to violate the provisions of this chapter or an industrial wastewater discharge permit or order issued hereunder, the city, through the city attorney may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Significant Industrial User.

(3) Affirmative defenses. (a) Treatment upsets.

- (i) Any Significant Industrial User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Control Authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the Significant Industrial User within five days. The report shall contain:

(A) A description of the upset, its cause(s), and, impact on the discharger's compliance status.

(B) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(ii) A Significant Industrial User which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the city for any noncompliance with this chapter, or an order or industrial wastewater discharge permit issued hereunder to the Significant Industrial User, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. (i) A bypass of the treatment system is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(C) The Significant Industrial User properly notified the Control Authority as required by section 18-305(3)(b)(2).

(ii) A Significant Industrial User must provide immediate notice to the Control Authority upon discovery of an unanticipated bypass. The Control Authority may require the Significant Industrial User to submit a written report explaining the cause(s), nature and duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) A Significant Industrial User may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant Industrial Users anticipating a bypass must submit notice to the Control Authority at least 10 days in advance. The Control Authority may only approve the anticipated bypass if the circumstances satisfy the requirements set forth in section 18-305(3)(b)(1).

(4) Public notice of violations of industrial wastewater discharge permits. The Control Authority shall publish, at least annually, in the largest

daily newspaper published in the municipality in which the POTW is located, a list of Industrial Users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter during a six-month period equal or exceed 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 Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 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 Control Authority determines will adversely affect the operation or implementation of the local pretreatment program. (1985 Code, § 13-305, as replaced by Ord. #94-7, § 5, June 1994)



## CHAPTER 4

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the City of South Fulton for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(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

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1985 Code, § 8-201)

**18-402. Standards.** The municipal 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. (1985 Code, § 8-202)

**18-403. 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 Health 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 Department of the City of South Fulton. (1985 Code, § 8-203)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of waterworks 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. (1985 Code, § 8-204)

**18-405. Inspections required.** It shall be the duty of the South Fulton Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the South Fulton Public Water Supply and as approved by the Tennessee Department of Health. (1985 Code, § 8-205)

**18-406. Right of entry for inspections.** The superintendent of the water department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the South Fulton Public Water Supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system

or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1985 Code, § 8-206)

**18-407. 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 Department of the South Fulton Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the South Fulton Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1985 Code, § 8-207)

**18-408. 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 waterworks of the city or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective

device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of the Water Department of the South Fulton Public Water Supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the South Fulton Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the water department 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 department 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 superintendent 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 Department of the South Fulton Public Water Supply.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the South Fulton Public Water Supply. (1985 Code, § 8-208)

**18-409. Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1985 Code, § 8-209)

**18-410. Violations.** The requirements contained herein shall apply to all premises served by the city 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 city 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 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 under the general penalty clause for this municipal code of ordinances. (1985 Code, § 8-210)

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1**

**ELECTRICITY<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the board of commissioners shall grant.<sup>2</sup> The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1985 Code, § 13-401)

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the city recorder.

## CHAPTER 2

### GAS

#### SECTION

- 19-201. To be supplied by the city.
- 19-202. Rate schedule.
- 19-203. Billing.
- 19-204. Meter connections.
- 19-205. Service outside the corporate limits.

**19-201. To be supplied by the city.** Gas shall be supplied to the consumers of the City of South Fulton through a metered service of the city-owned and operated natural gas system. (1985 Code, § 13-701)

**19-202. Rate schedule.**<sup>1</sup> All consumers shall be charged in accordance with a rate schedule adopted from time to time by resolution of the board of commissioners. (1985 Code, § 13-702)

**19-203. Billing.** All gas bills shall be due and payable at the recorder's office on the first (1st) day of the month for the preceding month. All bills shall be net, and if not paid on or before the tenth (10th) day of the month following the month for which such gas service has been rendered, a ten percent (10%) additional charge shall be added to each month's gas bill. Any consumer whose gas bill remains unpaid on the fifteenth (15th) day of the month following the month for which gas service has been rendered shall have the gas cut off pursuant to the procedure outlined in § 18-111 of this code and if gas is cut off on account of nonpayment of bill, a charge of two dollars (\$2.00) will be made for turning the gas on again, except the reconnection done after normal city working hours and on holidays shall be charged in the amount provided for in § 18-105. (1985 Code, § 13-703)

**19-204. Meter connections.** The city reserves the right to locate the gas meter at the closed point from the gas main to the customer's building unless this point falls on the front of the building, in which case the meter may be set ten (10) feet back from the front of the building. Any consumer who desires to have the meter set further back than ten (10) feet may have this done by paying to the city the contract price for the number of linear feet of pipe to be

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<sup>1</sup>Administrative ordinances are of record in the office of the city recorder.

used in extending the line to the desired meter location. No meters will be relocated after the contractor has made the initial installation.

No meter connection will be installed until the customer has paid the required meter deposit. Meter deposits for residences and small commercial establishments will be five dollars (\$5.00) per meter. Meter deposits for large commercial and industrial establishments will be twenty-five dollars (\$25.00) per meter. All users of natural gas and those desiring a stub out shall make a five dollar (\$5.00) deposit with the city recorder before the completion of the natural gas system. If such customer then desires to use gas within ninety (90) days of the day hereof, he will not have any meter charge to pay. If, however, such person being either a landlord or tenant does not use gas, the five dollar (\$5.00) charge will be considered as a stub out charge and no further charges will be assessed against the landlord or tenant for the stubout made on the premises.

Customers desiring the installation of a gas meter and who have not signed a gas contract and paid the meter deposit on or before the completion of the gas system will be required to pay an additional fifty dollar (\$50.00) connection charge before receiving a gas meter. (1985 Code, § 13-704)

**19-205. Service outside the corporate limits.** Those persons outside the corporate limits who desire a gas service connection will be required to pay the regular meter deposit charge and monthly minimum as provided in §§ 19-202 and 19-204. In addition, those customers will be required to pay the entire contract cost of installing the service connection, complete with meter, at any distance beyond seventy-five (75) feet on the main gas line and may be required to pay an additional fifty cents (50¢) per month for meter reading charge. (1985 Code, § 13-705)



**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. DEPARTMENT OF PUBLIC SAFETY.
2. CONTROL AND USE OF POWER EQUIPMENT ON PRIVATE AND PUBLIC PROPERTY.
3. TELEPHONE AND TELEGRAPH SYSTEM.

**CHAPTER 1**

**DEPARTMENT OF PUBLIC SAFETY<sup>1</sup>**

**SECTION**

- 20-101. Powers, duties, and responsibilities of the Department of Public Safety.
- 20-102. Appointment of the safety director, chief of police and the chief of the fire department.
- 20-103. Powers, duties, and responsibilities of the chief of police and the chief of the fire department.

**20-101. Powers, duties, and responsibilities of the Department of Public Safety.** The department of public safety shall be responsible for police and fire services for the City of South Fulton, Tennessee, and shall have all of the powers, duties, and responsibilities conferred upon the police and fire services by virtue of the Charter of the City of South Fulton, ordinances of the City of South Fulton, and by law, and shall have such other and additional powers, duties, and responsibilities as may be lawfully imposed upon it by any administrative directive, resolution, rule, ordinance, charter provision, or law. The head of the Department of Public Safety shall be the safety director. (1985 Code, § 1-501)

**20-102. Appointment of the safety director, chief of police and the chief of the fire department.** The safety director, chief of police and the chief

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<sup>1</sup>Charter references

Establishment and supervision of safety department: title 6, chapter 21, part 3.

Supervision and control of fire department: title 6, chapter 21, part 7.

Supervision and control of police department: title 6, chapter 21, part 6.

of the fire department shall be appointed by the manager of the City of South Fulton, subject to the pertinent provisions of the laws of the City of South Fulton, and their terms of employment shall be limited as provided by the laws of the City of South Fulton. (1985 Code, § 1-502)

**20-103. Powers, duties, and responsibilities of the chief of police and the chief of the fire department.** The chief of police and the chief of the fire department shall have such powers, duties, and responsibilities as shall from time to time be lawfully conferred upon them by the manager of the City of South Fulton, the board of commissioners of the City of South Fulton, the safety director and by law generally. (1985 Code, § 1-503)

## CHAPTER 2

### CONTROL AND USE OF POWER EQUIPMENT ON PRIVATE AND PUBLIC PROPERTY<sup>1</sup>

#### SECTION

20-201. Permit required for excavation.

20-202. Applications.

20-203. Fee.

20-204. Manner of excavating; barricades and lights; temporary sidewalks.

20-205. Time limits.

**20-201. Permit required for excavation.** It shall be unlawful for any person, firm, corporation, association, or others to use power shovels, cranes, jack-hammers, bulldozers, backhoe, or other power equipment when excavating on private and public property without having first obtained a permit as herein required and without also agreeing to comply with §§ 16-201 through 16-210 of the City Code of South Fulton, Tennessee when applicable. (1985 Code, § 4-801)

**20-202. Applications.** Applications for such permits shall be made to the city manager or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1985 Code, § 4-802)

**20-203. Fee.** The fee for such excavation permits shall be two dollars (\$2.00). (1985 Code, § 4-803)

**20-204. 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

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<sup>1</sup>Municipal reference

Excavations in public streets: title 16, chapter 2.

by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1985 Code, § 4-804)

**20-205. 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 unto the refill is made ready for the pavement to be put on. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1985 Code, § 4-805)

**CHAPTER 3****TELEPHONE AND TELEGRAPH SYSTEM****SECTION**

20-301. To be furnished under contract.

**20-301. To be furnished under contract.**<sup>1</sup> A telephone and telegraph system shall be furnished for the city and its inhabitants under such contract as the governing body will execute. The rights, powers, duties, and obligations of the city, its inhabitants, and other contracting parties shall be clearly stated in the written agreement which shall be binding on all parties concerned. (1985 Code, § 13-601)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

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AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION  
AND REVISION OF THE ORDINANCES OF THE  
CITY OF SOUTH FULTON, TENNESSEE

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WHEREAS, in 1994 a Resolution was adopted to change the Municipal Code for the City of South Fulton, Tennessee, and

WHEREAS, an Ordinance was never adopted ratifying said Resolution, and

WHEREAS, the Board of Commissioners of the City of South Fulton, 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 "South Fulton Municipal Code";

NOW THEREFORE, BE IT ORDAINED by the City of South Fulton, Tennessee, that:

Section 1. Ordinances Codified. The ordinances of the City of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles", namely "titles" 1 to 13, both inclusive are ordained and adopted as the "South Fulton 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.

Section 3. Ordinances saved from repeal. The repeal provided for in the preceding section of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the Municipal Code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness, any budget ordinance; any contract or obligation assumed by or in favor of said city; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the effective date of said code; nor shall such repeal affect any ordinance annexing territory of the city or amending its zoning map.

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. Wherever in the Municipal Code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provisions of the Municipal Code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the Municipal Code or other applicable law.

When any person is fined for violating any provision of the Municipal Code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such

penalty is discharged by payment, or until such person, being credited with the sum as may be prescribed for each day's hard labor, has fully discharged said penalty. Each day any violation of the Municipal Code Continues shall constitute a separate offense.

Section 6. Code of evidence. Any printed copy of the Municipal Code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

Section 7. 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 effect 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 8. Reproduction and amendment of code. The Municipal Code shall be reproduced in loose-leaf form. The governing body, by motion or resolution, shall fix, and change from time to time as considered necessary, the process 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 materials and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the Municipal Code will contain references to all ordinances responsible for current provisions. One copy of the Municipal Code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 9. Construction of conflicting provisions. Where any provisions of the Municipal Code is in conflict with any other provision in said code, the provision which established the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 10. 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 11. 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.

Section 12. Recent Ordinances also adopted. Ordinances adopted since the collection of records from the city by the Codifiers (Municipal Technical Advisory Service) and before the adoption of this code, are hereby adopted and made a part of this code by reference.

ATTEST: Debbie Seadler RECORDER APPROVED BY: Kent Seese MAYOR

First Reading: 3 October 1996

Second Reading: 14 November 1996

APPROVED AS TO FORM:

Karl F. Ivey  
KARL F. IVEY, CITY ATTORNEY